UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :
: 14-CR-00026 (ARR)
:
-against- :
: United States Courthouse
: Brooklyn, New York
VINCENT ASARO, :
:
:
Defendant. : Monday, October 26, 2015
: 9:30 a.m.
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TRANSCRIPT OF CRIMINAL CAUSE FOR JURY TRIAL
BEFORE THE HONORABLE ALLYNE R. ROSS
UNITED STATES SENIOR DISTRICT COURT JUDGE

A P P E A R A N C E S:

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1 THE COURT CLERK: Case on trial.
2 THE COURT: I know there's one item for us to
3 address that came in the form of a letter from the
4 Government over the weekend concerning the presence of Mr.
5 Katz. I'm sure you received that, Ms. Macedonio?
6 MS. MACEDONIO: I did, your Honor.
7 THE COURT: Would you like to pursue that? I
8 didn't make any kind of finding, so.
9 MS. MACEDONIO: Judge, you originally excluded Mr.
10 Katz, at least in part, because of the Brady information we
11 had. If there's any colloquy with regard to that, the
12 Government had told us Mr. Katz has since changed -- his
13 testimony would be different from that that was included in
14 that Brady disclosure. So there's already a shift in what
15 Mr. Katz would be testifying to.
16 THE COURT: What will he be listening to during
17 what witnesses that would impact his testimony? I think
18 that's really the issue here.
19 MS. MACEDONIO: Certainly I will be
20 cross-examining Mr. Valenti this morning about the Katz
21 homicide.
22 THE COURT: What about this, when we get to that,
23 you want me to excuse him from the courtroom?
24 MS. COOLEY: Your Honor, I'm not actually sure
25 where he is at this moment. I think we would have to give

1 him some notice that he's not permitted to be here. So we
2 can see if that's possible.
3 I would like to say for the record this, we need
4 to be specific about testimony and why he's excluded, and I
5 think that even if there's cross-examination relating to the
6 murder, there's still no showing that had been made that --
7 there's been testimony, but really has nothing to do with
8 what Mr. Katz is testifying about. So I really don't
9 understand the argument that relates to the disclosure.
10 THE COURT: What do you anticipate Mr. Katz'
11 testimony to be, and how will it relate to your
12 cross-examination of Mr. Valenti?
13 MS. MACEDONIO: I think the first part of that
14 question is best directed towards the Government, what they
15 anticipate Mr. Katz' testimony to be.
16 THE COURT: Is Mr. Katz the government's witness?
17 MS. MACEDONIO: Yes.
18 THE COURT: I didn't know.
19 MS. COOLEY: In terms of the disclosure we made of
20 him is very clear, and he's speaking about his open personal
21 experiences with his father that would refer to that. And
22 so I don't actually think that would happen separately from
23 those experiences that would bear on his testimony, and
24 that's I think the decision that hasn't been brought by the
25 defense.

1 THE COURT: Well, my recollection is that what was
2 of concern wasn't even anything he said, but something that
3 what was said to him allegedly by certain unnamed police
4 officers, or maybe you know who they were, in the '90s that
5 the officers knew that a hit man had been involved. That's
6 what I understand to be the issue here.
7 MS. MACEDONIO: I think the issue is a little bit
8 more complicated than that. Mr. Katz was five years old
9 when his father disappeared.
10 THE COURT: Okay.
11 MS. MACEDONIO: Certainly he has -- I can't say
12 certainly, but it's questionable as to whether or not he has
13 any independent recollection of this, or as the years
14 unfolded and his mother was talking about it, and his family
15 was talking about it, and it's what his memory of the
16 situation was, that could happen to a five-year-old, right.
17 So the idea that his statements to law enforcement have
18 changed over the years.
19 So, for example, at one point they said, which I
20 think was 2013, Mr. Katz knew that Mr. Katz had told law
21 enforcement that there was a hit man involved. Now I
22 believe it's the Government's position that he's no longer
23 going to take that position.
24 THE COURT: Was is it that Mr. Katz told law
25 enforcement or law enforcement told Mr. Katz?

1 MS. COOLEY: That's incorrect. Law enforcement
2 told Mr. Katz in the presence of Mr. Katz' mother years
3 later. So that was never something that Mr. Katz stated to
4 anyone else, that's incorrect.
5 MS. MACEDONIO: Well, he's stating it to you.
6 THE COURT: Well, I think what he related was that
7 at some point law enforcement said that to him; is that
8 correct?
9 MS. COOLEY: That's right, your Honor.
10 MS. MACEDONIO: And now he's withdrawing that.
11 MS. COOLEY: Yes. And we in detail explained his
12 current recollection of the events that were detailed in
13 that prior report, your Honor, and I think that's
14 self-explanatory. And I don't think it relates to anything
15 he can be excluded under the CPRA as a victim in this crime.
16 His rights need to be upheld and there needs to be a more
17 precise showing as to what testimony --
18 THE COURT: All right. Let's do this, he's not
19 here, and we're ready to go. So let's go and let's take
20 this up later, and perhaps we can be more focused when we
21 do.
22 MS. MACEDONIO: Okay. Thank you, your Honor.
23 MS. COOLEY: Thank you, your Honor.
24 THE COURT: I understand we are taking a witness
25 out of order; is that correct?

1 MS. COOLEY: Yes, your Honor. We are calling
2 James Parker. He should be a short witness.
3 THE COURT: Okay.
4 THE COURT: We are ready for the jury, yes.
5 MR. COOLEY: Yes.
6 THE COURT: All right.
7 (The jury enters the courtroom at 9:45 a.m.)
8 THE COURT: Good morning, ladies and gentlemen.
9 Please sit down. I hope you had a good weekend.
10 Initially today we are just going to take a short
11 witness out of turn, okay.
12 MR. COOLEY: Your Honor, the Government calls
13 James Parker.
14 J A M E S P A R K E R,
15 called as a witness, having been first duly sworn,
16 Testifies as follows:
17 THE COURT CLERK: Please state and spell your name
18 for the record.
19 THE WITNESS: James Parker, P-a-r-k-e-r.
20 THE COURT CLERK: Please have a seat.
21 MS. COOLEY: May I, your Honor?
22 THE COURT: Yes.
23 DIRECT EXAMINATION
24 BY MS. COOLEY:
25 Q Good morning.

1 A Good morning.
2 Q Are you currently employed full-time?
3 A I am not.
4 Q Did you previously work full-time at the Federal Bureau
5 of Investigation?
6 A ID.
7 Q In approximately what years?
8 A February of 1978 to May of 1998.
9 Q So that was about 20 years total?
10 A Correct.
11 Q What was your title at the FBI?
12 A Special Agent.
13 Q Directing your attention to May of 1986.
14 Where were you working for the FBI at that time?
15 A I was assigned to the New York office.
16 Q That's New York City?
17 A Yes.
18 Q What type of squad were you working for at that time?
19 A Organized Crime Squad.
20 Q Directing your attention to May 7, 1986.
21 Were you working that day?
22 A Yes, I was a.
23 Q What was your assignment that day?
24 A Conducted surveillance.
25 Q And what location, if you recall?

1 A It was in the vicinity of 7405 101st Street, Ozone
2 Park, Queens.
3 Q And where were you doing the surveillance from?
4 A A building roughly across the street from that
5 location.
6 Q Generally speaking, what was the nature of your job
7 while doing surveillance?
8 A To observe the activities in that general vicinity and
9 try to document it with photographs.
10 Q Directing your attention to May 14, 1986.
11 Were you also working that day?
12 A Yes.
13 Q What was your assignment that day?
14 A Same assignment, same location.
15 Q Now, how, if at all, did you document your
16 surveillances on those dates?
17 A First of all, I wrote a report, a surveillance report,
18 handwritten, and then I took photographs.
19 Q And you personally wrote the reports from those
20 surveillances?
21 A Yes, I did.
22 Q Have you previously reviewed those reports?
23 A Yes, I have.
24 Q Are the reports accurate as to what you observed on
25 those particular dates?

1 A Yes.
2 Q Sitting here today, do you remember the exact details
3 of your observations on those two surveillances?
4 A I do not.
5 Q Do you need to refer to the reports from those dates to
6 recall those exact details?
7 A Yes.
8 MS. COOLEY: Your Honor, may I approach the
9 witness?
10 THE COURT: Yes.
11 Q I'm showing you what is marked as 3500-JP-1, pages 1
12 and 2, and also Government Exhibit 3500-JP-2, pages 1
13 through 6.
14 Starting with the first document that is labeled
15 JP-1, do you recognize that?
16 A Yes, I do.
17 Q What is it?
18 A Well, it's a photocopy of a surveillance report that I
19 made on May 7, 1986.
20 Q And as to this document that is marked JP-2 on the
21 front page, do you recognize that?
22 A Yes, I do.
23 Q What are the first three pages?
24 A They are part of a physical -- of a surveillance log
25 that I completed on May 14, 1986.

1 Q And are the final two pages DMV printouts from that
2 surveillance?
3 A Yes, they are.
4 MS. COOLEY: Your Honor, at this point I move to
5 admit these two documents pursuant to Rule 803(5) just for
6 the witness to read into the record.
7 MS. MACEDONIO: No objection.
8 THE COURT: Admitted.
9 (Whereupon, Government's Exhibits 3500-JP-1 and
10 JP-2 are received and marked in evidence, as of this date.)
11 Q And while I'm here, I will also show you what is marked
12 for identification as Government Exhibits 614-A through H,
13 and 617-A through E.
14 I will just ask you to review those and let me
15 know if you recognize all of those exhibits.
16 (Pause)
17 A Yes, I do. These are copies of photographs that I took
18 on May 7 and May 14, 1986, respectively.
19 Q And so the 614 series is from the earlier surveillance,
20 and the 617 series is from the May 14th?
21 A Correct.
22 MS. COOLEY: Your Honor, I move to admit those
23 exhibits.
24 MS. MACEDONIO: No objection.
25 THE COURT: Admitted.

1 (Whereupon, Government's Exhibits 614-A through H
2 and 617-A through E were received and marked in evidence, as
3 of this date.)
4 MS. COOLEY: I have two more exhibits marked as
5 614-1 and 617-1.
6 (Whereupon, Ms. Cooley shows both defense counsel
7 Exhibits 614-1 and 617-1.)
8 BY MS. COOLEY:
9 Q Mr. Parker, I'm showing you 614-1 and 617-1.
10 Do you recognize these exhibits?
11 A They are blownup copies of some of the photographs that
12 were just provided to me.
13 MS. COOLEY: Your Honor, I move to admit 614-1 and
14 617-1 into evidence.
15 MS. MACEDONIO: No objection, your Honor.
16 THE COURT: Admitted.
17 (Whereupon, Government's Exhibits 614-1 and 617-1
18 were received and marked into evidence, as of this date.)
19 MS. COOLEY: May I publish them, your Honor?
20 THE COURT: Yes.
21 BY MS. COOLEY:
22 Q So, Mr. Parker, starting with your report from May 7,
23 1986, can you please read the highlighted portions of that
24 report out loud?
25 A 9:47 a.m., Vincent Asaro opens club.

1 10:32 a.m., Anthony Rampino arrives at club.
2 10:40 a.m., Vincent Asaro, Anthony Rampino, Gaspar
3 Valenti, an unidentified white male who arrived in 1983
4 white Cadillac, license plate 2590-BHC, a New York plate,
5 talked on sidewalk near club. They continued for
6 approximately 15, 20 minutes.
7 Q And, Mr. Parker, you testified before that the location
8 this surveillance was 7405 101st Avenue in Queens, and
9 specifically a social club in that vicinity; is that
10 correct?
11 A Yes.
12 Q -- and with respect to the license plate that you read
13 into the record, I believe it was 2590-BMC; is that correct?
14 A BH, as in Henry, C.
15 Q On the first page of your report, is there information
16 regarding that plate?
17 A Yes. There's information regarding the registered
18 owner.
19 Q And who was that registered owner?
20 A Michael Guerieri.
21 Q What information is provided about him?
22 A Date of birth of 6/9/28, and a registered address of
23 8409 102 Road, Ozone Park.
24 MS. COOLEY: May I use the elmo, your Honor?
25 THE COURT: Yes.

1 MS. COOLEY: Thank you.
2 Q I'm showing you what is in evidence as Government
3 Exhibit 614-A.
4 You testified this was a photo from that May 7,
5 1986 surveillance; is that right?
6 A That is correct.
7 Q And who, if anyone, do you recognize in this photo?
8 A Well, I recognize Anthony Rampino.
9 Q I will have you in a moment step down and show me on
10 the board where you recognize him.
11 I will show you other photos from this
12 surveillance. So this is 614-A, 614-B, 614-C, 614-D, 614-E,
13 614-F, 614-G, and 614-H.
14 These were all taken on that day from your
15 surveillance on May 7th?
16 A Yes, they were.
17 Q Turning to your report. You said that surveillance was
18 conducted at the same location; is that right?
19 A That is correct.
20 Q And can you please read out loud the highlighted
21 portions of that report starting on page 2?
22 A 9:15 a.m., Vincent Asaro arrives in black Mercedes, New
23 York license plate 5713-BHD, opens club.
24 10:03 a.m., Asaro and Gaspar Valenti talk on
25 sidewalk, then enter club.

1 11:00 a.m., white male number two, blue jacket,
2 white shirt, gray hair departs club. Asaro seated in club.
3 11:25 a.m., Anthony Rampino enters club.
4 11:53 a.m., Rampino stands in doorway of club.
5 1:15 p.m., white mail number eight, older gray
6 haired, balding, tan sports coat, brown pants enters club.
7 1:24 p.m., Asaro and white male number eight talk
8 on sidewalk and in doorway. Asaro kisses white mail number
9 eight.
10 1:30 p.m., white male number eight departs in
11 station wagon with New York license plate 7798-AER.
12 Q Now, Mr. Parker, with respect to the license plate
13 7798-AER, who, if anyone, was that vehicle registered to?
14 A It was registered to Umberto Altruda, who resided at
15 the time -- registered address 252-B 14th Street, Apartment
16 G, 205 Far Rockaway, New York.
17 Q And is there a date of birth of 5/18/15 listed there?
18 A Yes.
19 Q Then with respect to license plate 5713-BHD, that's
20 also mentioned in your report; is that right?
21 A Yes, it is.
22 Q And what's the registered owner and address for that
23 plate?
24 A The Astro Fence Corporation, 8605 Rockaway Blvd., Ozone
25 Park, New York.

1 Q And specifically that's the car that Vincent Asaro
2 arrived in, the black Mercedes?
3 A Yes.
4 Q I will publish Government Exhibit 617-B, C, D and E.
5 Starting with 617-B.
6 You testified this was a photo from this
7 surveillance on May 14, 1986; is that right?
8 A Yes, it is.
9 Q And do you see in the doorway an older man with a tan
10 jacket?
11 A Yes, I do.
12 Q Now I'm showing you Government Exhibit 617-C.
13 Is that also a photo from that surveillance?
14 A Yes.
15 Q Showing you 617-D.
16 Is that also from that surveillance?
17 A Yes.
18 Q Finally, Government Exhibit 617-E.
19 Is that also a photo from that surveillance?
20 A Yes.
21 Q Who if anyone do you recognize in this photo?
22 A Anthony Rampino standing in the doorway.
23 Q What if any nicknames do you know for Anthony Rampino?
24 A He was known variously as "Tony The Roach" or just "The
25 Roach".

1 Q And in this photo he's standing in the doorway of this
2 social club that you are doing surveillance of; is that
3 correct?
4 A That is correct.
5 MS. COOLEY: Your Honor, may I ask the witness to
6 step down from the witness stand, please?
7 THE COURT: Yes, go ahead.
8 Q So I'm showing you what is in evidence as Government
9 Exhibit 614-1.
10 This contains photos from the May 7, 1986
11 surveillance; is that right?
12 A That is correct.
13 Q So I'm going to ask you wherever you see Anthony
14 Rampino's photos, please place a sticker near his head.
15 (The witness complies on the diagram.)
16 Q I will now show you what is in evidence as Government
17 Exhibit 617-1.
18 This contains photographs from the May 14,1986
19 surveillance; is that right?
20 A Correct.
21 Q I will now ask you to do the same thing, wherever you
22 recognize Anthony Rampino, please place a sticker near his
23 head.
24 (The witness complies.)
25 A That's the only photo I recognize him in.

1 MS. COOLEY: Thank you. Your Honor, I have no
2 further questions.
3 MS. MACEDONIO: Your Honor, may I have a moment
4 with the attorney for the government?
5 THE COURT: Yes.
6 (Pause)
7 CROSS-EXAMINATION
8 BY MS. MACEDONIO:
9 Q Good morning, Mr. Parker.
10 A Good morning.
11 Q I just have a few very brief questions for you.
12 You testified with regard to Anthony Rampino's
13 nicknames.
14 Do you recall that?
15 A Yes.
16 Q And was that -- that's not something you personally
17 knew, right? You didn't refer to him as Tony "The Roach",
18 did you?
19 A On occasion, yes.
20 Q You did?
21 A Yes.
22 Q You spoke with Mr. Rampino?
23 A No.
24 Q Okay so you didn't refer to him that way when you were
25 speaking to him?

1 A Oh, no, no, no.
2 Q Okay.
3 So that was just information that perhaps you
4 learned during the course of the investigation?
5 A I had seen Mr. Rampino prior to this investigation, and
6 so I knew who he was.
7 Q Okay.
8 You knew who he was?
9 A Yes.
10 Q Okay.
11 With regard to the DMV runouts, do you have those
12 up there?
13 A I do attached to the 5/14 report, yes.
14 Q So, the attorney for the government asked you about the
15 dates of birth.
16 Do you remember that?
17 A Yes.
18 Q And you testified that Umberto Altruda's date of birth
19 was 5/18/15.
20 Do you remember that?
21 A Yes.
22 Q What year was this?
23 A 1915.
24 Q 1915?
25 A There's a two digit number.

1 Q I'm just trying to understand it, because this is 2015,
2 so I was trying to understand what the '15 was. You are
3 saying that his date of birth would have been 1915?
4 A Yes.
5 Q And the individual in the printout above that is James
6 Besley?
7 A Yes.
8 Q And so then the date of birth for him was then 1920; is
9 that correct?
10 A Correct.
11 Q Okay. I was just trying to understand the document.
12 Thank you for clearing that up. Thank you, sir.
13 THE COURT: Anything?
14 MS. COOLEY: No, thank you, your Honor.
15 THE COURT: You are excused. Thank you very much.
16 THE WITNESS: Thank you, your Honor.
17 THE COURT: Do you want a break?
18 MS. MACEDONIO: Yes, Judge.
19 THE COURT: We'll take a very brief break.
20 (The jury leaves the courtroom for a brief recess
21 at 10:08 a.m.)
22 (Continued on the next page.)
23
24
25

1 (Judge Ross enters the courtroom at 10:16 a.m.)
2 (The jury enters the courtroom at 10:20 a.m.)
3 THE COURT: Please sit down.
4 G A S P A R V A L E N T I,
5 previously sworn, resumes the stand.
6 THE COURT CLERK: I just want to remind you that
7 you are still under oath.
8 THE COURT: Ms. Macedonio.
9 MS. MACEDONIO: Thank you, Judge.
10 CROSS-EXAMINATION
11 BY MS. MACEDONIO:
12 Q Good morning, Mr. Valenti.
13 A Good morning.
14 Q Mr. Valenti, over the course of the weekend, did you
15 speak to any of the officials from the government?
16 A No.
17 Q None of the prosecutors?
18 A No.
19 Q Or the agents?
20 A No.
21 Q We talked the other day about the number of times that
22 you actually met with and spoke with the government.
23 Do you recall that?
24 A Yes.
25 Q You and I had never spoken before last week, correct?

1 A Correct.
2 Q Last week we had heard a number of reported
3 conversations.
4 Do you recall that?
5 A Yes.
6 Q And in several of those conversations, you heard what
7 appeared to be a very upset and heated Mr. Asaro; is that
8 fair to say?
9 A Yes.
10 Q And you've known Mr. Asaro your whole life, right?
11 A Yes.
12 Q And for a significant period of time in your life you
13 decided to hang around with him, for lack of a better term;
14 is that fair to say?
15 A Yes.
16 Q You spent a significant amount of time with him, right
17 sir?
18 A Yes.
19 Q And you understood that he had his temper flared at
20 times; is that fair to say?
21 A Yes.
22 Q And then often times after his temper flared, he would
23 calm right down, right?
24 A Sometimes.
25 Q Sometimes, right. Sometimes he would yell and scream,

1 then calm right down?
2 A Yes.
3 Q For example - we'll go through them in detail later -
4 but there were times in the recordings that we heard of you
5 where he would be carrying on, and then three seconds later
6 he would calm down and change the subject.
7 Do you remember that?
8 A Yes.
9 Q Do you remember listening to a conversation that you
10 had with Jack Bonventre?
11 Do you remember that?
12 A I'm sorry, repeat that?
13 Q Sure.
14 Last week when we were listening to the
15 conversations, do you recall hearing conversations between
16 you and Jack Bonventre?
17 A Yes.
18 Q And do you recall part of that conversation where the
19 two of you were discussing Vin just fights with everyone.
20 Do you remember that?
21 A Yes.
22 Q Just his nature, right?
23 A Yes.
24 Q And you testified that on two separate occasions you
25 went to Las Vegas, right?

1 A Yes.
2 Q I think one was in 1986, somewhere around there?
3 A Yah.
4 Q And then the second time you went was in 1990, right?
5 A Yes.
6 Q And when you returned from both of those occasions, you
7 reassociated with Mr. Asaro; fair to say?
8 A Yes.
9 Q And we talked last week a lot about the crimes that you
10 allegedly committed with Mr. Asaro.
11 Do you remember that?
12 A Yes.
13 Q But you, yourself, also committed a lot of crimes
14 without Mr. Asaro; is that fair to say?
15 A Yes.
16 Q And certainly you didn't tell Mr. Asaro everything you
17 were doing all the time, right?
18 A No, that's wrong.
19 Q You told Mr. Asaro everything you were doing all the
20 time?
21 A Every crime I committed, yes.
22 Q Starting when?
23 A From the later '60s.
24 Q Okay.
25 A Excluding Las Vegas.

1 Q Okay.
2 And did you tell him about the arsonage that you
3 committed with Joe Berger?
4 A Yes.
5 Q You did after what, what happened, did you tell him
6 beforehand?
7 A It was under his direction.
8 Q It was under his direction?
9 A Yes.
10 Q Every crime you committed from the late '60s, excluding
11 Las Vegas, was under Mr. Asaro's direction; is that your
12 testimony?
13 A Yes.
14 Q You never did anything by yourself?
15 A I went to him with everything that I went to him with,
16 he approved.
17 Q Okay.
18 And you testified that all the money that you made
19 -- essentially all the money that you made from these crimes
20 you gave to Mr. Asaro, right?
21 A Yes.
22 Q How did you support your own family?
23 A From money that he would give me, very little, from the
24 crimes, and I borrowed a lot of money.
25 Q So, before Las Vegas, before the 1990s and your trip to

1 Las Vegas, you were married to an individual named Linda,
2 correct?
3 A Yes.
4 Q And the two of you had four children?
5 A Yes.
6 Q You didn't work a real job, right?
7 A Yes, I did.
8 Q How many times did you have a real job?
9 A How many times did I have a real job?
10 Q Yes?
11 A Three, four.
12 Q And for what period of time?
13 A I worked at Delta Airlines. I worked for a Time Square
14 store, a department store. I worked for a fence company. I
15 owned my own fence company. I worked for the defendant's
16 fence company. I worked for another fence company. So I
17 had quite a few jobs. I drove limousines.
18 Q Comparatively, specifically you made your living by
19 committing crimes, right?
20 A Yeah.
21 Q And borrowing money from people?
22 A Yes.
23 Q Money that you couldn't pay back?
24 A Yes.
25 Q You remember an individual named Bob Post?

1 A Yes.
2 Q Who was Bob Post?
3 A He was an attorney for Nicky Zaffarano.
4 Q Did you have any affiliation with a bank?
5 A In Florida.
6 Q Do you recall when Mr. Post died?
7 A I'm sorry?
8 Q Do you recall when Mr. Post died?
9 A No, I have no knowledge of his death.
10 Q How about when his father died, do you remember that,
11 Bob Post's father?
12 A It was in the '70s, I believe, late '70s.
13 Q Did the senior Mr. Post also have an affiliation with
14 the bank?
15 A I believe he owned the bank, among other banks.
16 Q The senior Mr. Post owned the bank, right?
17 A Yes.
18 Q And Junior is Bob Post, correct?
19 A Yes.
20 Q Okay.
21 I don't know whether it's Junior Bob Post, but the
22 younger Post is Bob Post, right?
23 A Yes.
24 Q And when the elder Mr. Post died, did you become very
25 friendly with Bob Post?

1 A I was friendly with him from New York, not from
2 Florida.
3 Q Okay.
4 Did you have an ulterior motive for becoming
5 friends with Bob Post?
6 A No.
7 Q No, you didn't think that perhaps you could get a score
8 by weaseling your way into the bank?
9 A He had nothing to do with a bank when I knew him.
10 Q Okay.
11 Off base you tell me, all right?
12 A Yes.
13 Q How about the bank on Lefferts Blvd., do you remember
14 that?
15 A Yes.
16 Q And you had a teller in there, do you remember that,
17 you were friendly with a teller in there?
18 A I can't recall that.
19 Q Okay.
20 Did you used to go into that bank and pass bad
21 checks from the fence company?
22 A Bad checks?
23 Q Yes?
24 A No.
25 Q Never did that?

1 A Not that I recall.
2 Q What do you recall about the bank on Lefferts Blvd.?
3 A Just that I cashed a payroll check.
4 Q What about the payroll check, was it legitimate?
5 A I believe it was, yes.
6 Q Okay.
7 Did you convince the particular teller to let the
8 check go through before it was supposed to?
9 A I can't remember that.
10 Q You just don't remember any of this?
11 A Yes, I remember the bank.
12 Q Okay.
13 Do you remember when you talked about highjacking
14 various trucks?
15 A With whom?
16 Q Just asking you if you remember highjacking trucks?
17 A Do I remember highjacking trucks? Yes.
18 Q And you testified last week that the trailer that was
19 on your mother's property, that you used to put the victims
20 in there; do you remember that?
21 A Yes.
22 Q Who did you put in there, tell us about those
23 highjacks?
24 A A load of sweaters.
25 Q Did you put the sweaters in there?

A No, we put the driver, the truck driver.
Q So with respect to the load of sweaters, tell us what happened?
A We highjacked a truck in the City.
Q Who is "we?"
A Myself and Frank Roder and Marco Linetti.
Q And then?
A And we -- we left the truck on Woodhaven Blvd. by the cemetery, and one of the drivers that worked for Jimmy Burke, he picked the truck up and took it to a warehouse and we held the driver.
Q In that trailer?
A Yes.
Q How long was he there?
A Maybe two hours.
Q Then somebody let him out?
A We were with him. He was never alone.
Q I see. Someone would stay in the trailer with him?
A Yes. We fed him. He wasn't tied down or anything.
Q Was the door locked or anything?
A No we never left.
Q Okay.
But he certainly wasn't free to leave; fair to say?
A He wasn't free to leave, no.

1 Q That happened a couple of times, right?
2 A Yes.
3 Q How many times do you think you locked somebody in the
4 trailer?
5 A Maybe two or three.
6 Q Do you remember the restaurant, the Great In-Pasta?
7 A Yes.
8 Q Do you remember a woman next door who owned a bridal
9 place?
10 A Yes.
11 Q Do you remember promising to do some construction work
12 for her?
13 A Yes.
14 Q Do you remember that you didn't do that?
15 A I did do it.
16 Q You did it?
17 A Well, not me personally. It was electrical work.
18 Q Was it completed?
19 A Was it completed?
20 Q Yes?
21 A Yes.
22 Q Are you aware that the woman was complaining that you
23 had taken money from her and didn't complete the job?
24 A That's not true.
25 Q That's not true?

1 A No. I can tell you who her electrician is.
2 Q That's okay. Thank you, though.
3 Do you remember telling the agents when you worked
4 at the fence company that you would write out jobs,
5 fabricate the jobs to get a percentage?
6 A Yes.
7 Q Tell us about that?
8 A Well, I was a fence salesman for a fence company.
9 Q Which fence company?
10 A I believe the name is Broncato.
11 Q Okay.
12 A In Jamaica, Queens.
13 Q When was this, sir?
14 A Late '60s, early '70s.
15 Q Okay.
16 A And I was on a commission basis. So every contract
17 that I would bring into the office, I would take my own
18 money and like say the job was 300, I would leave like $10,
19 $15 deposit on the contract, so that when the owner of the
20 company I worked for would see, you know, it was 300, so I
21 would have $30 coming. So initially I would give a 10- or
22 $15 deposit on it, and then he would give me $30 on it, but
23 there was no such job.
24 Q Okay.
25 So you were making this up?

1 A Yes.
2 Q And this is early on, right, you are a young man at
3 this point?
4 A Well, that was 22, like that.
5 Q So you were young man?
6 A Yes.
7 Q Okay.
8 A I'm not an old man.
9 Q I didn't suggest that you were. I'm just saying you
10 were much younger in the 60s, we can agree on that. If we
11 can't agree on anything else, we can agree on that?
12 A Yes.
13 Q So as early as your twenties you are fabricating
14 information; fair to say?
15 A Yes.
16 Q And were you just making up these addresses?
17 A Yes.
18 Q Okay.
19 So it wouldn't be a problem, you would just make
20 up an address, right?
21 A Yes, from the telephone book.
22 Q Okay.
23 So you just go through the telephone book, pick
24 out somebody's name and address, and write them up a
25 contract?

1 A Yes.
2 Q Did these people call saying they were coming to do the
3 fence?
4 A I have no idea.
5 Q Even though you were only going to get 10- or $20 out
6 of this, you did it, right?
7 A At that time it was a lot of money.
8 Q Okay.
9 So ultimately did you get arrested doing this?
10 A Yes.
11 Q What happened in that arrest?
12 A The charge was dropped down to -- it was dismissed,
13 basically.
14 Q So you got away with it, so to speak, you weren't
15 punished for it?
16 A The charge was dismissed.
17 Q Right. You didn't have to plead guilty to anything,
18 right?
19 A No.
20 Q You didn't go to jail, right?
21 A No.
22 Q Did you pay a fine?
23 A I don't believe so.
24 Q So you got away with it. Nothing happened to you?
25 A I think -- I'm not sure, I might have made restitution

1 on it.
2 Q But you are not sure?
3 A Yes.
4 Q The charge was dismissed.
5 Did you have to make restitution or you just don't
6 know?
7 A I really don't know.
8 Q Do you recall telling the agent about an incident with
9 a police officer outside of a club?
10 A Give me a little more.
11 Q I'm putting on the overhead for the witness 3500-GV-14,
12 page 34, just for the witness.
13 Do you see that, Mr. Valenti? Do you see this
14 part right here, (indicating?)
15 A Yes, that's fine. Yes.
16 Q Can you tell us what that is about?
17 A It wasn't a club. It was in front of a bar.
18 Q Tell us what happened?
19 A We are standing there. I was standing outside, and I
20 had a light type of linen suit on. There was a sole car
21 parked on the sides of the street where the bar was and
22 these two particular officers pulled up, I believe their
23 name was Britain and Burton, and they got out of the car.
24 They said, come here. There were like maybe two or three of
25 us standing on the corner. He said, come over here. He

1 said, I got a report. He says somebody called about taking
2 parts off of their car.
3 Q You?
4 A Me, myself, yes.
5 Q Okay.
6 A I said, look at me, I'm in a white linen suit. I'm
7 working on an engine? Look at my hands and everything.
8 So I had a letter in my pocket that was written to
9 Jimmy Burke. Vinnie had given it to me to hold - or I
10 really don't recall, I might have picked it up at his
11 house - and they ripped it out of my pocket. I grabbed it
12 back, and one of them hit me and I hit him back, and they
13 locked me up.
14 Q Okay.
15 So in the scheme of all of this, you assaulted a
16 police officer, right?
17 A He hit me, and, you know, I basically defended myself.
18 Q You hit him back?
19 A Yes. He hit me and I hit him back.
20 Q You hit the officer?
21 A The officer hit me, yes.
22 Q Okay.
23 And what happened after this?
24 A I don't remember any jail time or even appearing in
25 front of a Judge. I think there was a bench warrant and it

1 was dropped down again.
2 Q Okay.
3 This document that I had shown you, that you can
4 see on your screen, this is from notes that the agents took
5 of you in respect to this case; is that correct?
6 MS. ARGENTIERI: Objection.
7 THE COURT: Sidebar.
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1 THE COURT: Ms. Macedonia, why are you referring
2 to what the paper is?
3 MS. MACEDONIO: I don't have to do that. I can
4 just --
5 THE COURT: No, you don't have to. You really
6 shouldn't.
7 MS. MACEDONIO: Okay.
8 (Side bar ends)
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1 THE COURT: Ladies and gentlemen, I sustained the
2 last objection. Please ignore the question.
3 BY MS. MACEDONIO:
4 Q Mr. Valenti, when we talked last week meeting with the
5 agent, you were truthful when you met with him; is that
6 correct?
7 A Yes.
8 Q You wanted to be accurate and complete?
9 A Yes.
10 Q So you met with them several times, right?
11 A Yes.
12 Q And that was over the course of years, would that be
13 fair to say?
14 A Yes.
15 Q And from your observations, did you understand that the
16 agents were taking notes?
17 A Yes.
18 Q You saw them take notes as you gave them information,
19 correct?
20 A Yes.
21 Q And have you ever seen those notes yourself?
22 A No, not until now.
23 Q Okay.
24 And have you ever seen any typed-up reports of
25 information that you had given to the agents?

1 A I don't follow -- you mean the recordings?
2 Q No, not transcripts. In other words, when you went in
3 and you spoke to the agents and you were providing them with
4 truthful and detailed information, had anyone showed you a
5 typed-up report of information that you had given them?
6 A No.
7 Q And you don't have any reason to believe that the notes
8 that the agents were taking that they were purposely doing
9 it inaccurately, do you?
10 MS. ARGENTIERI: Objection?
11 THE COURT: Sustained.
12 Please disregard the question.
13 BY MS. MACEDONIO:
14 Q Mr. Valenti, we talked last week about money you
15 received from the FBI.
16 Do you remember that?
17 A Yes.
18 Q You said you were receiving about $300 a month, right?
19 A 3,000.
20 Q Excuse me, I stand corrected, $3,000 a month, right?
21 A Yes.
22 Q Are you aware, sir, that in connection with your
23 cooperation, that the FBI has spent over $178,000 on you?
24 A I have no idea what they spent.
25 Q You have no idea. You just know you were getting every

1 month this $3,000, right?
2 A Yes.
3 Q You talked last week about loansharking in the late
4 '60s.
5 Do you remember that?
6 A Yes.
7 Q And you talked about various individuals who would be
8 your loan-shark victims; fair to say?
9 A Clients.
10 Q Clients, okay, customers?
11 A Customers.
12 Q So when you say clients or customers, those are people
13 who willingly came to borrow the money?
14 A Yes.
15 Q Those were people who agreed to the terms?
16 A Yes.
17 Q Certainly none of these people were forced to borrow
18 money, right?
19 A Right.
20 Q In fact, you, yourself, when you borrowed money, you
21 did it willfully, right?
22 A Right.
23 Q And you would negotiate with someone who would come up
24 with a deal and you would agree with it, right?
25 A Yes.

1 Q You talked about an individual named Bobby Marshall.
2 Do you remember that?
3 A Yes.
4 Q Who was Bobby Marshall?
5 A He was like a neighborhood drunk. I believe he was a
6 corrections officer.
7 Q You think he was a corrections officer?
8 A Yes. He worked I think on Rikers Island, I'm not
9 really sure, but he had something as an officer of
10 corrections.
11 Q You testified that Mr. Marshall had a $100 loan shark
12 loan.
13 Do you remember that?
14 A Yes.
15 Q And testified that you felt bad for him because he had
16 paid it over and over, right?
17 A Yes.
18 Q In other words, his vig on his loan was $10 a week?
19 A Yes.
20 Q And every week at least one of you would collect the
21 $10; is that correct?
22 A Sometimes twice a week.
23 Q But you did that, too, right, you collected the $10 as
24 well, right?
25 A He gave it to me as payment, yes.

1 Q But you went to him and said, Bobby, I'm here to
2 collect the vig?
3 A Yes.
4 Q And you testified that you felt sorry for him, but you
5 still kept collecting this money; fair to say?
6 A There were times I didn't ask him, because I had
7 already known the defendant had already collected it.
8 Q But you, yourself, had kept collecting the money even
9 though you knew that Bobby Marshall, the drunk, had paid the
10 loan over and over again?
11 A That's what a shylock loan is about, pay the interest.
12 Q I understand the terms of the interest of a shylock
13 loan. I'm asking you what you did, you, yourself,
14 personally collecting that money from Bobby Marshal, the
15 drunk, knowing he had paid it over and over again?
16 A Yes.
17 Q And you, yourself, collected that money on occasion,
18 when you, yourself, knew somebody else had collected the $10
19 that week?
20 A No. I would collect it first, and then the defendant
21 would go there sometimes and collect it the second time.
22 Q Did you ever give Mr. Marshall back the $10 that you
23 had collected?
24 A No. I was under the direction to collect it and give
25 it to the defendant.

1 Q You testified with respect to the loansharking that at
2 the highest point you were collecting 4- to $5,000 a week.
3 Do you remember that?
4 A That's what the defendant was collecting.
5 Q Well, you were collecting it, right?
6 A No. I didn't collect all of that.
7 Q Okay.
8 It was your testimony, sir, was it not, that at
9 the high end, the loansharking business that you were
10 involved in collected 4- to $5,000 a week?
11 A Yes.
12 Q Okay.
13 And you testified that a lot of this money was
14 collected at the Great In-Pasta, correct?
15 A No.
16 Q No?
17 A No.
18 Q When the business was making that much money, where was
19 it being collected?
20 A At the bank. The club had a bank on 101st Avenue.
21 Q That's a different time frame altogether?
22 A Yes.
23 Q What was that time frame?
24 A In the '80s -- early '80s -- late '70s, early '80s.
25 Q That's different from the Great In-Pasta?

1 A Yes.
2 Q The Great In-Pasta was when?
3 A About '88, '89.
4 Q You said that he Great In-Pasta had to close down
5 because there was a lot of money owed out, right?
6 Do you remember that?
7 A I wasn't here when it was closed down -- yes, that's
8 what I heard, yes.
9 Q That was your testimony, right?
10 A Yes.
11 Q Whose Johnny Rondenelli?
12 A He was an associate of the Gambinos.
13 Q Was he a loan shark customer?
14 A Yes, he would borrow money and loan shark it out.
15 Q So, did Mr. Rondenelli borrow money from Mr. Asaro?
16 A Yes.
17 Q And did you borrow money from Mr. Rondenelli?
18 A No, his partner.
19 Q His partner was whom?
20 A Anthony Santora.
21 Q Was it one and the same, were Rondenelli and Santora
22 operating together?
23 A Yes.
24 Q So if I understand your testimony correctly, the money
25 would come from Mr. Asaro to Rondenelli, and then you would

1 borrow it from Rondenelli's operation?
2 A No.
3 Q Tell me how it worked?
4 A I went to Anthony who owned a cab joint with
5 Rondenelli, was in partners, and they were partners in the
6 loansharking business, and I would borrow money from
7 Anthony, not John Rondenelli.
8 Q But you are saying they are partners in the
9 loansharking business?
10 A Correct.
11 Q So is it a distinction without a difference?
12 A He didn't charge me any vig.
13 Q So it was sort of free money to borrow from Anthony
14 Santora?
15 A Yes.
16 Q Why were you getting free money from Anthony Santora?
17 A As a favor, without the defendant knowing about it.
18 Q Okay.
19 So you didn't just borrow the money from Mr.
20 Asaro, right?
21 A I didn't borrow money from the defendant, no.
22 Q I am not asking you that.
23 You went to Anthony Santora, right?
24 A Yes.
25 Q You borrowed free money from him?

1 A Yes.
2 Q And how much money do you think you borrowed?
3 A Maybe 2000.
4 Q How often did you do that?
5 A Just maybe twice.
6 Q Twice, did you pay the money back?
7 A No.
8 Q So, you stole the money from Anthony Santora?
9 A I didn't steel anything.
10 Q Okay.
11 So tell me what you did. You just took the money?
12 MS. ARGENTIERI: Objection.
13 THE COURT: Sustained. Please disregard the
14 comment made.
15 Go ahead.
16 BY MS. MACEDONIO:
17 Q You went to Anthony Santora and asked for money, right?
18 A As a loan, yes.
19 Q You told him it was a loan, right?
20 A Yes.
21 Q And that when you told him it was a loan, were you
22 indicating to him that you were going to pay the money back?
23 A Yes.
24 Q And he didn't charge you anything, right?
25 A Yes.

1 Q And he was a loan shark, right, that's part of what he
2 did?
3 A Part of what he did.
4 Q He lent money to people with an interest on it, right?
5 A At times.
6 Q Okay.
7 And you borrowed money from him, you borrowed
8 money from him, right?
9 A As a loan, yes.
10 Q As a loan. And you didn't pay him back?
11 A Correct.
12 Q At least twice?
13 A Correct.
14 Q Okay.
15 When did you do this?
16 A In the late '80s.
17 Q So, you think that it's roughly $4,000 that you didn't
18 pay back to Anthony Santora?
19 A It's more like 3,000.
20 Q Okay.
21 Did anybody ever come looking to collect?
22 A Well, they would come to drop money off at the Great
23 In-Pasta, and Anthony used to say do you have anything? I
24 would say just give me a little bit more time, Anthony, I
25 appreciate it.

1 Q Okay?
2 A I didn't pay it.
3 Q When you were telling Anthony, give me a little bit
4 more time, I appreciate it, did you have any intention of
5 paying him back?
6 A I did.
7 Q You did.
8 How were you going to pay him back?
9 A Borrowing it from someone else or winning at a
10 racetrack gambling.
11 Q But you didn't have a job when you were going to pay
12 him back?
13 A I had a job at the Great In-Pasta, but no.
14 Q So with respect to the loan that you took from Anthony
15 Santora, other than him saying Gaspar, when are you going to
16 pay me back, nothing happened?
17 A Correct.
18 Q Nobody ever slapped you, right?
19 A No.
20 Q Broke your kneecaps?
21 MS. ARGENTIERI: Objection.
22 THE COURT: Sustained.
23 BY MS. MACEDONIO:
24 Q Nobody ever physically harmed you, right?
25 A Correct.

1 Q Who was Anthony Santone?
2 A He owned a cab company on Crossbay and Liberty.
3 Q Does he have any affiliation with organized crime?
4 A Yes.
5 Q What was that?
6 A He was an associate of the Gambinos.
7 Q You testified last week that you had committed a number
8 of armed robberies.
9 Do you remember that?
10 A Yes.
11 Q And was it routine when you went on highjackings that
12 you had a weapon with you?
13 A Yes.
14 Q And you testified on one occasion that one of your
15 associates just brought a ratchet with him.
16 Do you remember that?
17 A Yes.
18 Q Who was that?
19 A Joe Berger.
20 Q Remind me what it was that you were robbing on that
21 occasion?
22 A Watches.
23 Q This is the incident of the individual with the watches
24 and the car, if I remember correctly; is that right?
25 A Yes.

Q And Joe Berger -- tell me if I'm wrong, when the car stops, you -- he sticks the ratchet in as if it was a gun, right?
A When he went to make a phone call, he got out of his car, and, yes, he used the ratchet.
Q Okay.
And that worked, right?
A Yes.
Q He got the watches?
A Yes.
Q You testified last week that you, yourself, could never kill anyone?
A Yah.
Q But yet you brought a weapon with you on all of these armed robberies, right?
A Yes.
Q Last week you gave testimony about an individual named Katz.
Do you remember that?
A Yes.
Q You said Katz had a warehouse. What do you mean by that?
A I think you know what a warehouse is.
Q Well, that's not my question, I'm sorry.
You said he had it. What do you mean by that?

1 Did he own the warehouse?
2 A I don't know if he owned it. I don't know if he owned
3 the property.
4 Q Okay.
5 Tell me?
6 A He had a warehouse in Queens that we would take trucks
7 there and unload.
8 Q Okay.
9 How do you know it was Katz' warehouse?
10 A Through Jimmy.
11 Q Jimmy Berger told you this is Paul Katz' warehouse?
12 A Yes.
13 Q But you, yourself, never met Paul Katz?
14 A No.
15 Q So you don't know if he owned it, right?
16 A Correct.
17 Q In fact, you don't even know if it was indeed true what
18 Jimmy Berger told you?
19 A I would say that was the truth.
20 Q You don't know that for sure?
21 MS. ARGENTIERI: Objection.
22 THE COURT: No, overruled. He said it was Paul
23 Katz'.
24 Q Okay.
25 But did you do anything to verify that?

1 A What do you mean?
2 THE COURT: I think you have gone far enough on
3 that one.
4 BY MS. MACEDONIO:
5 Q You said this warehouse that Katz had was in South
6 Ozone Park; is that right?
7 A Yes.
8 Q And you, yourself, grew up in that area, correct?
9 A No.
10 Q Where did you grow up?
11 A In Brooklyn.
12 Q You grew up on the border of Queens; is that right?
13 A Yes.
14 Q When you were talking about down the hole, that's right
15 on the border of Queens?
16 A Yes.
17 Q It's within blocks of one county and the other?
18 A Yes.
19 Q And you, during the course of your life, spent a lot of
20 time in Ozone Park, right?
21 A Ozone Park, yes.
22 Q You said you never met Mr. Katz, correct?
23 A Yes.
24 Q Did you ever meet an individual named Joe Allegro?
25 A I don't recall that.

1 Q And you talked about an individual named Jimmy Santos.
2 Do you remember that?
3 A Yes.
4 Q Are you aware that Mr. Santos' true name was Vincent
5 Jimmy Santos?
6 A No.
7 Q You didn't know that, right?
8 A No.
9 Q You said your father died in September of 1969; is that
10 correct, sir?
11 A Yes.
12 Q And how old were you then?
13 A In '69 I would have been 222.
14 Q Twenty-two years old.
15 Had you graduated from any type of school?
16 A No.
17 Q Did you graduate from high school?
18 A I graduated from middle school.
19 Q Did you go to high school?
20 A Yes.
21 Q But you didn't graduate?
22 A No.
23 Q How far did you go?
24 A Twelfth grade.
25 Q And were you married at the time that your Dad died?

1 A Yes.
2 Q How old when you got married?
3 A Twenty.
4 Q And what did your Dad do for a living?
5 A He was building homes.
6 Q And he was relatively successful?
7 A Yeah. He made a living.
8 Q He made a living, right?
9 A Took care of his family, yes.
10 Q You owned the house where you lived in growing up, your
11 Mom owned that house?
12 A My Dad built that house.
13 Q That home on Blake Avenue?
14 A And brothers and families lived in that home, yes.
15 Q And you claim that when your Dad died, you took over
16 the business; is that correct?
17 A Yes.
18 Q You took over the project that your Dad was working on
19 just before he passed away?
20 A Yes.
21 Q Okay.
22 What was that project?
23 A There were homes on 102nd Road -- between 102nd Road
24 and Liberty Avenue.
25 Q Okay.

1 And you were 22 at the time?
2 A Yes.
3 Q Had you ever managed a business like this before?
4 A A fence company.
5 Q And your Dad had a partner, correct?
6 A Yes.
7 Q That was Marjorie Centrone?
8 A Yes.
9 Q She was an attorney, right?
10 A Yes.
11 Q And do you know if Ms. Centrone had money invested in
12 the project?
13 A Yes.
14 Q She did, right?
15 A Yes.
16 Q Okay.
17 Who is John Palmieri?
18 A My brother-in-law.
19 Q How much older is Joe Palmieri than you?
20 A I would say maybe 10, 11 years.
21 Q Okay.
22 So if you were 22, he's 32?
23 A Thirty-Three, 34, yes.
24 Q Okay.
25 That's your sister Ann's husband?

1 A Yes.
2 Q Okay.
3 Other than working for the fence company, you
4 essentially had a life of crime prior to this; is that fair
5 to say?
6 A Prior to?
7 Q Managing this project?
8 A Yes, yes.
9 Q Okay.
10 Now, did Margie Centrone agree to let you come in
11 and manage this project for her?
12 A Yes. The homes were 95 percent complete, and, yes, she
13 did.
14 Q Okay.
15 What about Joe Palmieri?
16 I will repeat the question?
17 What about Joe Palmieri, was he involved in this
18 project?
19 A Yes, for a while.
20 Q Okay.
21 What happened?
22 A He didn't get along with Marge Centrone.
23 Q How long was he involved in the project?
24 A I can't really remember, a couple of months.
25 Q Okay.

1 So your Dad died in September. You think
2 Mr. Palmieri was out by the end of the year?
3 A Yes.
4 Q Okay.
5 Tell us specifically what you had to do to finish
6 up this project?
7 A Get in touch with the other contractors, the sheetrock
8 guys, the carpenters, electricians, plumbers.
9 Q Hm hmm.
10 A And complete the other homes. The first two homes were
11 basically completed as models, but other homes needed work.
12 Q What were the first two homes?
13 A Facing them, the two homes on my left?
14 Q So the picture that we've seen that is in evidence
15 would be the first two homes as you face it?
16 A If I was looking at the picture, it would be the first
17 two homes on my left as models.
18 Q These were properties that were 95 percent complete?
19 A They were complete.
20 Q They were fully complete?
21 A Yes, and the others weren't.
22 Q And you said you were showing them on weekends?
23 A Yes.
24 Q Now, in order to sell a piece of property, are you
25 aware that you have to have a CO?

1 A A Certificate of Occupancy?
2 Q Yes?
3 A Yes.
4 Q Right. So in other words, for someone to move into a
5 house, there has to be a Certificate of Occupancy, right?
6 A Correct.
7 Q And you said that these homes were 95 percent complete
8 in September of 1969, right?
9 A Yes.
10 Q Okay.
11 Did you have any involvement in getting the COs?
12 A No.
13 Q Who did that?
14 A Marge Centrone.
15 Q Certainly it would be in Marge Centrone's interest to
16 get the CO as soon as possible so that she could sell the
17 property, right?
18 A I would assume so, yes.
19 Q Are you aware that the CO on the property that you
20 allege where Mr. Katz was buried was not issued until March
21 of 1970?
22 A No.
23 MS. MACEDONIO: May I approach, Judge?
24 THE COURT: Yes.
25 Q I'm showing you Mr. Valenti, what is marked as

1 Defendant's Exhibit Number 3.
2 Do you recognize that document?
3 MS. COOLEY: Judge?
4 THE COURT: Yes.
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1 (Side bar)
2 THE COURT: Are you marking the Certificate of
3 Occupancy?
4 MS. MACEDONIO: I did.
5 THE COURT: Why are you using it with this
6 witness? I don't know why you are showing it to this
7 witness.
8 MS. MACEDONIO: Well, he had testified that he was
9 involved in selling the property.
10 THE COURT: He said he does not know that the
11 Certificate of Occupancy was not issued until March of 1970,
12 and it was done by somebody else.
13 MS. MACEDONIO: Okay. Thanks, Judge.
14 (Side bar end)
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1 BY MS. MACEDONIO:
2 Q When you said the homes were 95 percent completed,
3 those two homes, what was missing?
4 A Basically sheetrock.
5 Q Okay.
6 So the sheetrock was not in?
7 A The sheetrock was in, and some in the basement.
8 Q There was no sheetrock in the basement?
9 A Some of them had -- which two homes are you speaking
10 of?
11 Q You told me that two of the homes were 95 percent
12 complete; is that what you told me?
13 A No. Two of the homes were complete as models.
14 Q One hundred percent complete as models?
15 A Yes.
16 Q Now, the other homes, where were they located?
17 A They were all attached.
18 Q So it's just that row, seven homes on that row?
19 A I believe so.
20 Q And did some of the other homes have sheetrock or not?
21 A Yes.
22 Q And some of them did not have sheetrock?
23 A Yes.
24 Q And some of the other homes have windows?
25 A Yes.

1 Q And some of them did not have windows?
2 A No.
3 Q They had all windows?
4 A Yes.
5 Q How about concrete, when you took over the project in
6 September of 1969, had the concrete been poured in the
7 basement for all of these homes?
8 A Oh, yes, in the beginning, the stage of the beginning
9 of the foundation, the concrete is poured.
10 Q It's not the last stage?
11 A No.
12 Q It's your testimony that it's the beginning stage of
13 the concrete poured in the basement?
14 A Yes.
15 Q So all of these homes had concrete in the basement?
16 A Yes.
17 Q And other than this construction job, had you done
18 construction jobs after this?
19 A After?
20 Q Yes?
21 A No, prior to.
22 Q So your experience in the construction industry is very
23 limited; is that correct?
24 A No.
25 Q Okay.

1 How about construction in this magnitude, is it
2 limited in this magnitude?
3 A No, it's not. I started with my father when I was
4 12 years old going to all of the buildings that he built,
5 that's how I learned how to do construction.
6 Q But you chose not to, right?
7 A Yes.
8 Q With respect to the Katz homicide, you were debriefed
9 several times with the FBI, correct?
10 A Yes.
11 Q And again they took notes when you spoke, right?
12 A Yes.
13 Q And you told them that Mr. Asaro wanted a place for a
14 secret meeting, right?
15 A Yes.
16 Q And according to your testimony, it was the following
17 day that Mr. Asaro pulled up, and shortly after Mr. Burke
18 pulled up and backed his car into one of the driveways,
19 that's your testimony in court.
20 Do you remember that, sir?
21 A Yes.
22 Q Do you recall telling the agent at an earlier time that
23 when you got there Mr. Burke and Mr. Asaro were already
24 there and they told you Katz was in the house?
25 A No.

1 Q I'm showing the witness what's been marked as
2 Government Exhibit 3500-GV-12 at page 6.
3 Do you see that, Mr. Valenti?
4 A I can't really read it. It's kind of lopsided here.
5 MS. MACEDONIO: May I approach, Judge?
6 THE COURT: Actually, can we speak at side bar?
7 MS. MACEDONIO: Yes.
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1 (Side bar)
2 THE COURT: Is this note supporting the last
3 question to which the witness responded no, I did not?
4 MS. MACEDONIO: I asked him if he remembered him
5 telling him that. He said no.
6 THE COURT: I think you said did you tell him -- I
7 want it read back.
8 MS. MACEDONIO: Okay.
9 THE COURT: I don't think you can. I think you
10 have to ask the question first, and then if he doesn't have
11 a recollection. I mean, you are turning that process into
12 refreshing recollection by inserting the word "believe" in
13 your question. It doesn't seem to be fair.
14 MS. MACEDONIO: Well, I'm not doing it
15 intentionally.
16 MS. COOLEY: Did you tell the agent on a different
17 time. If he says no, she can impeach him.
18 THE COURT: That's what I'm referring to.
19 MS. MACEDONIO: So the way you want me to proceed
20 is ask the witness, do you recall on a different occasion
21 prior to your testimony here in court?
22 THE COURT: On a different occasion did he?
23 MS. MACEDONIO: On a different occasion did you
24 tell the agent X, Y and Z? Answer.
25 THE COURT: No, that's the end of it for now. You

1 can put it in on your case. If the answer is I don't know,
2 then you can show him something to refresh his recollection.
3 Okay.
4 (Side bar ends)
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1 BY MS. MACEDONIO:
2 Q Mr. Valenti, you testified on your direct examination
3 that Mr. Asaro told you we have to bury someone, that Burke
4 told you to open the basement door, stay in the front, and
5 make sure no one comes in.
6 Do you remember that?
7 A Yes.
8 Q And you also testified that they brought with them a
9 sledge hammer, a shovel, and a breaking bar.
10 Do you remember that?
11 A Yes.
12 Q Did you tell the agents that they had brought a pinch
13 bar, a post hole digger, and a sledge hammer?
14 A It's the same thing.
15 Q It's the same thing?
16 A Yes.
17 Q So a post hole digger is the same as what?
18 A As the shovel.
19 Q The shovel?
20 A Hm hmm.
21 Q So there's no difference between a post hole digger and
22 shovel?
23 A Very slight.
24 Q What is a pinch bar?
25 A A breaking bar. It's a big bar, steel bar to break

1 concrete.
2 Q So you are interchanging the terms pinch bar and
3 breaking bar?
4 A It's the same thing.
5 Q I'm asking you?
6 A I'm just letting you know it's the same thing. It has
7 a point on it -- not a point that -- it comes tapered down.
8 Q Okay.
9 You testified that you went upstairs and that you
10 were up there for three hours; is that right?
11 A Approximately, yes.
12 Q And you testified that after those three hours,
13 Mr. Burke left; is that correct?
14 A Yes.
15 Q And that Mr. Asaro drove you to get the truck, right?
16 A Yes.
17 Q What truck did he drive you to get?
18 A The fence truck.
19 Q Whose fence company?
20 A The defendant.
21 Q It was his fence company?
22 A Yes.
23 Q In 1969?
24 A He was partners with a cousin of mine.
25 Q What was the name of that company?

A Star.
Q Star?
A Yes.
Q And the purpose of getting the truck was to cover the hole that was in the concrete, that's your testimony, right?
A To use the sand, cement, and lime, yes.
Q Did you tell the agents that Mr. Asaro told you to go get the truck that was filled with dirt and sand?
A He told me to go and get the truck?
Q Yes?
A He took me to get the truck.
Q Okay.
So the answer is no, you didn't tell them that Mr. Asaro told you, Gaspar, go get the truck?
A No.
Q Where was Star at that time?
A It was just -- it wasn't a registered company. The truck was parked down the hole.
Q So you didn't tell the agent, then, that you were told to go get the truck?
A We were going to get the truck.
Q My question is: Did you ever tell the agents that you were told, Gaspar, go get the truck?
A No, I don't recall that.
Q And you testified that they hit a water main.

1 Do you remember that?
2 A Yes.
3 Q Did you tell the agents that they had hit a copper
4 pipe?
5 A Yes, they dented it.
6 Q Is that different from the water main?
7 A Yes.
8 Q Okay.
9 Copper is a soft material, right?
10 A Correct.
11 Q So if you hit a copper pipe with a shovel --
12 A The defendant hit it with a bar.
13 Q Okay. And it was dented?
14 A Yes.
15 Q But it didn't break?
16 A Correct.
17 Q Then you claim that you covered the body completely
18 with lime, first, right?
19 A No.
20 Q Tell me what happened?
21 A I didn't see the body at all.
22 Q Okay,
23 A There was dirt there, and I just put lime -- spread
24 lime and poured water.
25 Q Okay?

1 A So I could the get the lime settled down and covered
2 the with cement.
3 Q When you are looking at this hole that you have to
4 cover up, you just see dirt?
5 A Yes. It's about four inches from the original
6 concrete.
7 Q Okay.
8 And you cover it with lime, then concrete on top;
9 is that your testimony?
10 A Yes.
11 Q Where did you get the cement from?
12 A It was on the truck, always on the truck. We had sand,
13 cement, and a little lime.
14 Q Always on that truck, right?
15 A Yes.
16 Q You testified that shortly after all of this happened,
17 that you went to a meeting at -- was it the Lindenwood
18 Diner?
19 A Yes.
20 Q It was the Lindenwood Diner?
21 A Yes.
22 Q And you testified that your uncle Jerome Asaro was
23 there, right?
24 A Yes.
25 Q And the Katz homicide, this is after Long Island Press?

1 A Yes.
2 Q That was the initial robbery where you decided to join
3 this thing, right, to live this life of crime?
4 A Yes.
5 Q Okay.
6 And you were already selling porn, correct?
7 A Yes.
8 Q You were selling clad from highjackings, right?
9 A Yes.
10 Q You were doing credit cards with Henry Hill?
11 A Yes.
12 Q You were unloading trucks?
13 A Yes.
14 Q And you were involved in loansharking, right?
15 A Yes.
16 Q And yet is it your testimony that you received an
17 apology at this meeting at the diner?
18 A Yes.
19 Q Even though you had decided that you were going to join
20 this life of crime, you are now getting an apology for
21 participating in crimes?
22 A The apology was not for participating in crimes. It
23 was for participating in what the defendant did to me, to
24 involve me in the burial of this gentleman.
25 Q Okay.

1 So you got an apology?
2 A My uncle, yes.
3 Q You testified that in the '80s you went back to that
4 house and moved Paul Katz' body.
5 Do you remember that?
6 A Yes.
7 Q You said you went there at Mr. Asaro's direction,
8 right?
9 A Yes.
10 Q You said Jerry Asaro went with you.
11 Do you remember that?
12 A Yes.
13 Q Did you tell the agents that Vincent Asaro helped you
14 move the body?
15 A No.
16 Q Now, at this point according to your testimony, the
17 point where you moved the body, he, Mr. Katz, had been
18 buried there for well over a decade; is that your testimony?
19 A Yes.
20 Q And he had been covered with lime?
21 A Yes.
22 Q And concrete?
23 A Yes.
24 Q And it was your testimony on direct examination that
25 you were actually able to determine the position of his

1 body, right?
2 A Yes.
3 Q Even though you said they were just bone fragments in
4 there, right?
5 A Yes.
6 Q And as part of your agreement with the government, you
7 didn't have to plead guilty to any involvement with the Katz
8 homicide, did you, sir?
9 A I don't follow what you are saying.
10 Q Withdrawn.
11 Mr. Valenti, you talked last week about a dog
12 being killed.
13 Do you remember that?
14 A I'm sorry?
15 Q I'm sorry. You talked last week about a dog being
16 killed.
17 Do you remember that?
18 A Yes.
19 Q And you said Peter Zuccaro killed the dog?
20 A Yes.
21 Q You also said that Peter Zuccaro and Mr. Asaro didn't
22 get along that well; is that fair to say?
23 A Yes.
24 Q Do you remember Peter Zuccaro being a heavy drug user?
25 A I know he used drugs. I couldn't say if it was heavy.

1 I didn't hang out with him.
2 Q You knew him to be a drug user; fair so say?
3 A Yes.
4 Q Let's talk a little bit about Lufthansa, okay.
5 You said Mr. Burke and Mr. Asaro were partners?
6 Do you remember that?
7 A Yes.
8 Q Yet it was your testimony that Mr. Asaro only had one
9 person who he chose to go on this, that was you; is that
10 right?
11 MS. COOLEY: Objection. Misstates the testimony.
12 THE COURT: Lay a foundation.
13 BY MS. MACEDONIO:
14 Q You testified, Mr. Valenti, that you were invited to go
15 on the Lufthansa heist.
16 Do you remember that?
17 A Yes.
18 Q And to your knowledge, did Mr. Asaro invite anyone else
19 to go?
20 A No.
21 Q You were his guy on that heist, right?
22 A Yes.
23 Q Now, you testified on direct examination that the
24 meetings took place at Robert's Lounge.
25 Do you recall that?

1 A Some of the meetings, yes.
2 Q Did you tell the agents that the meetings took place at
3 Mr. Burke's house, too?
4 A Yes.
5 Q But you didn't testify to that on direction.
6 Do you remember that?
7 A No, I don't.
8 Q And you testified on direct examination that Mr. Asaro
9 was present at these meetings, right?
10 A Yes.
11 Q Did you tell the agents that Mr. Asaro was not present
12 on at least one of these meetings?
13 A No.
14 Q No.
15 You said on direct examination that Frank Burke
16 was Jimmy Burke's son.
17 Do you remember that?
18 A Yes.
19 Q And you testified that he had committed crimes in the
20 '70s.
21 Do you recall that?
22 A Yes.
23 Q What crimes did Frankie Burke commit?
24 A Stealing cars.
25 Q Anything else?

1 A Not that I know of.
2 Q How old was Frank Burke, do you know, when the
3 Lufthansa heist happened?
4 A I would say maybe 20.
5 Q You read that he was born in 1961?
6 A '61, so he was 19.
7 Q Eighteen, 17, very young, correct?
8 A Yes.
9 Q You testified on direct examination that when you
10 arrived at Lufthansa and you were in the van with Frankie
11 Burke, that you saw a guard.
12 Do you recall that?
13 A Yes.
14 Q And is the first guard, do you recall that?
15 A Yes.
16 Q And you testified that you hit this guard over the head
17 with a gun, right?
18 A Yes.
19 Q And then you testified that Frank Burke stuck a gun in
20 his eye.
21 Do you remember that?
22 A Yes.
23 Q Did you tell the agents that Frank Burke stuck a gun in
24 the second guard's eye?
25 A No.

1 Q Never told him that?
2 A No.
3 Q Was there a second guard?
4 A I don't know -- no, there was a second person, but he
5 wasn't a guard.
6 Q Okay.
7 How are you making the distinction between the
8 guard and a second person?
9 A Well, he was a worker inside the building that had come
10 out.
11 Q Okay.
12 And the first individual was that a guard or just
13 a worker?
14 A No, he was a guard.
15 Q How did you know that?
16 A They said that there would be a guard maybe coming
17 around out, outside of the building.
18 Q Okay.
19 So it wasn't something that this individual told
20 you. This is just something that you assumed?
21 A What individual are you speaking of?
22 Q The first individual that we are calling the guard?
23 A I can't tell you about the first unless I tell you
24 about the second --
25 Q Okay.

1 A -- the second guard got in, he started to open the door
2 as he was running away.
3 Q Okay.
4 A And that's when I hit him with the pistol and he fell.
5 Q Okay. That person --
6 A Yes.
7 Q -- never told you I'm a guard. You just believed that
8 for some reason?
9 A Yes.
10 Q And then there was a second individual, correct?
11 A Yes.
12 Q And according to your testimony, you and Frank Burke
13 put that second individual in the van, too?
14 A Yes.
15 Q And then you said that ten minutes or so had passed,
16 right?
17 A After he bolted the van?
18 Q Yes?
19 A Yes.
20 Q Then Joe Budha came out?
21 A Yes.
22 Q He said "what's going on", and he says "we are still
23 looking for two people," right?
24 A Yes.
25 Q He said "I have two people in the van," and he says

1 "great, let's go," right?
2 A Right.
3 Q Then it is after that that you go in and start the
4 actual heist, correct?
5 A Well, they opened the bay door and we pulled in, yes.
6 Q Did you tell the agents that there was a third guard
7 missing?
8 A There was one supposedly walking around in there, I
9 guess.
10 Q Did you tell the agents that you found that guard?
11 A Yes.
12 Q But you didn't mention that on your direct examination,
13 right?
14 A I don't believe so.
15 Q The first individual that you came upon, did you learn
16 his name?
17 A Yes.
18 Q How did you learn his name?
19 A He had a badge on, Kerry Whalen, and I took the badge
20 off him and I placed it on me.
21 Q You didn't read about that in the newspaper?
22 A Read about it? That was me. I didn't have to read
23 about it.
24 Q Certainly some time has passed since the Lufthansa
25 heist?

1 A I think my memory is pretty well. You read newspaper
2 articles about the Lufthansa heist after it happened?
3 A Not that particular thing, no.
4 Q Okay.
5 So, it is your testimony that you took
6 Mr. Whalen's badge itself?
7 A That's correct.
8 Q And you also testified that Mr. Burke and Mr. Asaro
9 were in a crash car, right?
10 A Yes.
11 Q And that crash car was about a mile away?
12 A Yes.
13 Q And you claim that you took the money down the hole,
14 right?
15 A Down the what?
16 Q Down the hole?
17 A Yes.
18 Q And you said there was no plan?
19 A Exactly.
20 Q So you just committed a heist of all heists and there's
21 no plan as to where we are going to go and what we'll do?
22 A Absolutely, right.
23 Q So you take it to your house, right?
24 A Yes.
25 Q And that house is located on Blake Street?

1 A Avenue.
2 Q Blake Avenue. And that's Blake and Drew?
3 A Yes.
4 Q This is your mother's house?
5 A Correct.
6 Q And you weren't the only person living there?
7 A Correct.
8 Q Okay.
9 Who else was living there?
10 A My family, my wife, my children, and my sister and her
11 children, and my Mom.
12 Q So your Mom lives there, right?
13 A Yes.
14 Q Your sister Angie lives there, right?
15 A Correct.
16 Q She's got five kids, right?
17 A Yes.
18 Q And then you and Linda lived there?
19 A Yes.
20 Q And you had four children?
21 A Yes.
22 Q So, that's one, two -- seven -- 13 people living in
23 that house, right?
24 A Okay. And myself.
25 Q I included you in there.

1 A Okay.
2 Q And you also had a dog named Beauty?
3 A Yes.
4 Q And Beauty was a barker, wasn't she?
5 A No, she wasn't. She was a sickly dog.
6 Q She was always sickly?
7 A Yes.
8 Q What kind of dog was Beauty?
9 A She was a street dog.
10 Q A mutt?
11 A That's cruel.
12 Q That's cruel?
13 A That's crude. I don't know, a mixed breed.
14 Q Mixed dog better?
15 A Mixed dog, mixed breed.
16 Q So Beauty is there, too, right?
17 A Yes.
18 Q So you have all of these individuals in the house,
19 varying ages, right? Some of them are young children, some
20 of them are grown children?
21 A Yes.
22 Q Mom is in the house. Beauty is in the house. And you
23 show up with a group of men at what time?
24 A Three, 4:00 in the morning.
25 Q You just start unloading millions of dollars and

1 putting it in the basement?
2 A You are dramatizing.
3 Q It's pretty dramatic, Mr. Valenti. Is that what
4 happened?
5 A It didn't happen the way you are saying it happened.
6 Q Okay.
7 A My sister lived upstairs. It's a tremendous house, if
8 you see it. She lived upstairs on the top floor. It was
9 two-family home. I lived on the first floor. I went
10 through the front door, which Beauty always stayed on the
11 first step. She was a sickly dog that we took care of. And
12 I went in, down the basement, opened the side door to the
13 basement, and we made a train.
14 Q An assembly line?
15 A Yes.
16 Q And nobody in the house would be up?
17 A No.
18 Q Not one person?
19 A No.
20 Q You testified that after you got the boxes in the
21 basement, Jimmy Burke, Tommy DiSimone, and Vincent Asaro
22 left, right?
23 A Yes.
24 Q You said Mr. Asaro was driving Tommy DiSimone and Jimmy
25 Burke back to the halfway house, correct?

1 A Correct.
2 Q You testified that he never came back.
3 Do you remember that?
4 A Well, he said something before he left.
5 Q What did he say?
6 A That he would meet me after we finished, that he would
7 be at Andy's club.
8 Q But he didn't come back to the house?
9 A No, no, he didn't.
10 Q So who was there counting the money?
11 A All of the individuals, Joe Budha, Fat Louie, Danny
12 Rizzo, Frankie Burke, Angelo Sepe, Anthony Rodriguez.
13 Q So everybody but those three individuals, everybody but
14 Mr. Asaro, Mr. Burke, and Mr. DiSimone?
15 A Yes.
16 Q And then Mr. Asaro doesn't come back?
17 A Correct.
18 Q Did you tell the agents that on the night of the
19 Lufthansa heist Vincent Asaro and Angelo Sepe stayed with
20 the money, with you, all night?
21 A No.
22 Q Now, you testified that it only took two hours for you
23 to count the money, right?
24 A Approximately two hours. We separated everything, the
25 jewelry that was there, also.

1 Q You said it was how many boxes?
2 A Fifty.
3 Q Fifty, five zero?
4 A Five zero, each box had 125,000 in it.
5 Q Did you count those bills individually?
6 A I didn't, no.
7 Q But someone --
8 A No, they weren't counted individually.
9 Q And you said that you felt really happy when this had
10 happened, right, euphoria?
11 A Yes.
12 Q And that euphoria was caused by the fact that it was
13 such a big score, right?
14 A It was supposed to be two million and it was over six.
15 Q Okay.
16 Then you said -- you testified that you went and
17 you spoke with Mr. Asaro and got scared, right?
18 A And I what?
19 Q Got scared, that your mood changed?
20 A After a while, after I spoke to him, it changed.
21 Q You said that your mood changed because you started to
22 think I have $6 million in my house, and I could have a
23 target on my forehead, right?
24 A That's what Mr. Asaro was saying.
25 Q But you became scared because --

1 A After he enlightened me on that, yes.
2 Q And, again, all of these children are in the house,
3 right?
4 A I'm sorry?
5 Q All of these children are living in the house, right?
6 A Yes.
7 Q Your children?
8 A Yes.
9 Q Your sister's children?
10 A Yes.
11 Q Your Mom?
12 A My Mom.
13 Q And Beauty.
14 So you testified that this scared you, and you got
15 the money out of the house, correct?
16 MS. ARGENTIERI: Objection. That misstates his
17 testimony.
18 BY MS. MACEDONIO:
19 Q Okay.
20 What happened to the money?
21 A Some of the money was taken out of the house.
22 Q All right.
23 But you retained large sums of money in that
24 house?
25 A For a few days.

1 Q Okay.
2 Then you testified that you hid money in the door
3 frames, right, the doorjambs?
4 A Yes.
5 Q Were those metal doorjambs?
6 A No.
7 Q Wood?
8 A Wood.
9 Q So what did you do, rip them off and put them back on?
10 A They were removed, then we put it back on -- I put it
11 back on.
12 Q Did you tell anybody in the house why you were taking
13 the doorjambs off?
14 A No one knew why I took the doorjambs off.
15 Q Did anybody in the house ask you why did you take the
16 doorjambs off?
17 A No. It was the bedroom and the door was closed.
18 Q Your wife lived with you, right?
19 A But she wasn't in the room with me.
20 Q Okay.
21 So you secretly hid all of this money in
22 doorjambs, right?
23 A Yes.
24 Q So there was still a significant amount of money in the
25 house with all of these children, correct?

1 A Yes.
2 MS. ARGENTIERI: Judge, can we have a side bar?
3 THE COURT: Yes.
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1 (Side bar)
2 MS. ARGENTIERI: I'm getting the impression Ms.
3 Macedonio is creating that we kept his family in danger by
4 hiding this money around the doorjamb.
5 THE COURT: She made that point I don't know how
6 many times.
7 MS. ARGENTIERI: But I think it's coming close to
8 opening the door to me asking why did you feel somewhat
9 protective, was it because of the defendant, and all of
10 these other people were killed and we didn't bring it up?
11 THE COURT: Ms. Macedonio, don't go through that
12 again, okay? No more.
13 MS. MACEDONIO: No more hiding money in the
14 doorjambs?
15 THE COURT: Yes.
16 I think we'll take a break now.
17 (Side bar ends)
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THE COURT: We'll take a morning break, ladies and gentlemen.

(The jury leaves the courtroom for a recess at 11:35 a.m.)

MS. ARGENTIERI: Judge, ten minutes?

THE COURT: Ten minutes. We'll resume a quarter of.

(A recess is taken at 11:35 a.m.)

(Continued on the next page.)

(The following occurred at sidebar.)

MS. MACEDONIO: Judge, I think I'm being sort of overlimited with regard to my cross. I think I should be able to ask the witness: Do you recall making a statement?

No.

Can I show you a document that would refresh --

THE COURT: I don't think that's fair. I think you have to ask him: Did you make the statement?

You can't bypass it by using the word "recall" because that assumes that a denial is false.

MS. MACEDONIO: My objection is noted.

THE COURT: That's fine, that's fine. But this is just such a straightforward use of refreshing recollection I have no problem with a ruling. I don't think I'm trying to limit you.

MS. MACEDONIO: Okay. I appreciate it, Judge. Thank you for hearing me.

(Continued on next page.)

1 (In open court; sidebar ends.)
2 (Jury enters.)
3 THE COURT: Please be seated.
4 Ms. Macedonio?
5 MS. MACEDONIO: Thank you, Judge.
6 BY MS. MACEDONIO:
7 Q Mr. Valenti, you testified on direct examination that
8 after the boxes were stored in your basement, that you
9 bought some Christmas trees; remember that?
10 A Yes.
11 Q And do you remember saying that you went to see
12 Mr. Asaro with regards to this?
13 A The Christmas trees?
14 Q Yes.
15 A Yes.
16 Q Okay. And that he actually gave you money to buy the
17 Christmas trees?
18 A Yes.
19 Q This is the first time you testified about Mr. Asaro
20 giving you money; correct?
21 A I'm not following.
22 Q In your prior testimony, you were always giving the
23 money to Mr. Asaro; correct?
24 MS. ARGENTIERI: Objection to prior testimony.
25 MS. MACEDONIO: Withdrawn.

1 Q Did you testify that Mr. Asaro gave you money to buy
2 Christmas trees?
3 A Yes.
4 Q But you had $6 million in your house; correct?
5 A Yes.
6 Q But, yet, he had to give you money to buy the Christmas
7 trees; yes?
8 A Yes, he gave me the money.
9 Q Okay. You testified on direct examination that you
10 received $750,000 from the Lufthansa heist; remember that?
11 A Yes.
12 Q And you testified you gambled it all away; right?
13 A Yes.
14 Q Did you tell the agents that you received $600,000 from
15 the Lufthansa heist?
16 A No, 750,000.
17 Q Did you tell the agents that you received $800,000 from
18 the Lufthansa heist?
19 A No.
20 Q Tell us what happened with Joe Massino and the jewelry.
21 A Joe Massino came to the house on Blake Avenue and I
22 gave him an attache case, a little bigger than that, full of
23 watches and gold chains, gold watches and bracelets.
24 Everything was gold.
25 Q Did you pack that attache case yourself?

A Yes.
Q And was anybody with Mr. Massino when he came to your house?
A No.
Q No one at all?
A No.
Q Do you know if Mr. Massino had received any of the other proceeds from Lufthansa?
A Not that I know of.
Q And then you said some of the other jewelry was given to Tony Lee; right?
A Yes.
Q Do you remember telling the agents that the gold from Lufthansa was melted down?
A From FedEx, not Lufthansa.
Q From FedEx it was melted down, not Lufthansa? You sure?
A I'm positive.
Q You testified that there was a directive not to be spending all of this money; correct?
A Yes.
Q Okay. And what was the purpose of that?
A Not to draw attention from law enforcement.
Q So, guys who otherwise really didn't have much shouldn't be spending $750,000 suddenly; right?

1 A Correct.
2 Q But you testified that Mr. Asaro bought a home;
3 correct?
4 A That was later on, yes.
5 Q How much later?
6 A I don't know, maybe a year or two.
7 Q And you testified that he bought a boat; right?
8 A Yes.
9 Q And he bought a new car?
10 A Yes.
11 Q So he was spending his money, according to you;
12 correct?
13 A Yes, that's correct.
14 Q Yet you gambled all your money away; right?
15 A I didn't gamble -- at the time -- I would have to steal
16 that money, my own money.
17 Q You had to steal your own money?
18 A Yes, because each individual was placed -- was holding
19 money for us. I would have to go there and tell them don't
20 let the defendant know I was here to take my end of the
21 monies.
22 Q So you had to steal your own money from the Lufthansa
23 heist; is that true?
24 A Basically, yes.
25 Q You also testified that you stole some of Mr. Asaro's

1 money from the Lufthansa heist too; right?
2 A It wasn't his.
3 Q It wasn't his?
4 A No, it was all of ours.
5 Q But you opened up that money; right?
6 A Yes.
7 Q It was wrapped in tissue paper?
8 A Yes.
9 Q And you sealed it back up; right?
10 A Correct.
11 Q Did you later lie about how much of the money you had
12 taken?
13 A No.
14 Q You were completely honest this time. You testified
15 about a place called Afters; do you remember that?
16 A Yes.
17 Q And you said that Afters was named after Lufthansa;
18 right?
19 A Yes.
20 Q You said you were the manager of Afters?
21 A Yes.
22 Q How long was Afters open?
23 A Maybe a year.
24 Q A year?
25 A Maybe.

1 Q It was a supper club?
2 A It was a nightclub, yeah, it was food, it was more -- I
3 don't know what you would call it. They didn't really have
4 a menu, maybe filet mignon and shrimp.
5 Q You had described it as a supper club in your direct
6 examination.
7 A Yes.
8 Q Did they have a kitchen?
9 A Yes.
10 Q They didn't have to cater the food in?
11 A No.
12 Q You said that Blondie sang there; right?
13 A Yes.
14 Q And Gladys Knight and The Pips?
15 A Yes.
16 Q Who was the manager who got those acts in there?
17 A Bobby Giordano.
18 Q You didn't have anything to do with that.
19 A No.
20 Q And when did they play there?
21 A Throughout that time that -- throughout that -- 'til
22 they were open, as long as it was open, sometime in there.
23 I couldn't give you an exact date.
24 Q Do you know who Noreen Asaro is?
25 A Yes.

1 Q Who is Noreen Asaro?
2 A The defendant's daughter.
3 Q Are you aware that she had her 18th birthday at Afters?
4 A I really don't recall.
5 Q And Afters wouldn't be after hours, would it
6 Mr. Valenti?
7 A Yes.
8 Q It was?
9 A It was. Depends on who was in there if it was open,
10 stay late.
11 Q My question is the name, Afters, was that for after
12 hours?
13 A No, after Lufthansa.
14 Q Hundred percent?
15 A Yes.
16 Q You testified about an individual named Richard Eaton;
17 do you remember that?
18 A Yes.
19 Q You testified that Richard Eaton's body was taken to
20 your house?
21 A To the property, not the house.
22 Q Okay. The adjacent property?
23 A Yes.
24 Q And this is the same property that we're talking about
25 with Lufthansa; right?

1 A No, a different property.
2 Q This is not Blake?
3 A It's on the same block but different properties.
4 Q So this -- I want to make sure we're talking about the
5 same thing. Were you still living in the same house you
6 were living, the house that you talked about unloading the
7 Lufthansa money?
8 A Yes.
9 Q When I'm talking about "the property," just so that
10 we're together, we're talking about the property that's next
11 door; right?
12 A Yes.
13 Q So, somebody comes and knocks on your window; correct?
14 A Yes.
15 Q Again, this is the same house still talking about the
16 house on Blake Avenue?
17 A Yes.
18 Q Okay. You said that this was sometime in you think
19 1978; do you remember?
20 A '78, '79.
21 Q Okay. You said that you -- who knocked on the window?
22 A The defendant's son.
23 Q And then you tried to dig a hole some place; is that
24 correct?
25 A Yes.

1 Q Then you said there was a decision to place the body in
2 the trailer; right?
3 A Yes.
4 Q This is the same trailer that we already talked about
5 before; right.
6 A Yes.
7 Q Where you had stored some of the highjacking victims?
8 A Yes.
9 Q Then you said that Jerry went back to the fence company
10 to get a lock; right?
11 A Yes.
12 Q And, again, all the people we talked about before are
13 still living in the house; correct?
14 A Yes.
15 Q Your house.
16 A Yes.
17 Q No one wakes up, right, when all this is going on?
18 A When all what is going on?
19 Q You're trying to dig a hole, somebody's knocking at the
20 bedroom window.
21 A Somebody knocked on my window. We didn't dig a hole on
22 the property.
23 Q But no one in your house woke?
24 A No.
25 Q Okay. Was there a lock already on this trailer?

A No.
Q Did you tell the agents that there was a lock on the trailer?
A No.
Q Did you tell the agents that you simply put the lock on the trailer after Eaton's body had been put in it?
A Yes.
Q You told them you just simply did that?
A I don't know what you mean by "just simply." There was no lock prior to.
Q There was no lock prior to?
A Right.
Q Okay. So, the lock, someone had to go find a lock?
A Yes.
Q When you first -- withdrawn.
Did you tell the agents that this individual's name was William Eaton?
A I don't recall that.
Q If I showed you -- can I show you a document that might refresh your recollection?
A Sure.
Q Showing you 3500GV12, do you see that?
A I don't see where the name is.
Q See this right here?
A Oh, okay. I see a name William Eaton.

1 THE COURT: Does that refresh your recollection as
2 to whether or not you told that to the agents?
3 THE WITNESS: No, it does not.
4 THE COURT: Go ahead.
5 Q Now, you knew that kids played in that area where the
6 trailer was; right?
7 A Yes.
8 Q You knew that kids hung out there?
9 A Yes.
10 Q Local neighborhood kids?
11 A Yes.
12 Q And then shortly after -- the next day the body is
13 discovered by the kids; right?
14 A Yes.
15 Q And some police officers come and knock on your door?
16 A Yes.
17 Q Did you lie to them?
18 A Yes.
19 Q What did you tell them?
20 A What did they ask me?
21 Q What did you tell them?
22 A I don't recall.
23 Q Showing you 3500GV21, see that? Does that refresh your
24 recollection of what you told the officers?
25 A I can't see it. You have it too high.

1 MS. MACEDONIO: May I approach, Judge?
2 THE COURT: Yes.
3 (Pause in proceedings.)
4 A I don't know that at all.
5 Q This doesn't refresh your recollection?
6 A No.
7 Q Do you remember anything you told the officers who were
8 investigating?
9 A Yeah. He had asked me who owned the property, I told
10 them my mother owned the property. And he said that it
11 looked like a mafia hit. And that was basically -- oh, if I
12 seen anyone there. I said I seen a car there a few days
13 prior to that with two people in it.
14 Q Did you give them any description of the people?
15 A I believe they were black, I said.
16 Q You were trying to mislead the police officers?
17 A Yes.
18 Q You lied to them?
19 A Yes.
20 Q You also talked about a fire at Afters; do you remember
21 that?
22 A Yes.
23 Q Who's Dominic Cataldo?
24 A He was a made member of the Colombo family.
25 Q Were you aware that Dominic Cataldo and Vincent Asaro

1 really didn't get along very well?
2 A At one point.
3 Q At one point what?
4 A They didn't get along. Ups and downs in that life;
5 today you're a friend, tomorrow you're an enemy.
6 Q There were significant periods of time where the two of
7 them were battling with one another?
8 A Not really. He came to a card game, we went to his
9 restaurant, it was -- there were times in between that, yes.
10 Q Okay. Yet it's your testimony that Dominic Cataldo was
11 involved in this arson. Correct?
12 A He was involved in the arson? I don't know what you
13 mean by "involved."
14 Q That's fair. Did you testify that the arson was done
15 at Dominic Cataldo's request?
16 A Yes.
17 Q And you testified that you had a tennis ball; correct?
18 A Yes.
19 Q Let me step back. You testified that you and Jerry
20 Asaro committed the arson; correct?
21 A Yes.
22 Q Poured gasoline all over the floor; right?
23 A Yes.
24 Q And that you then took a tennis ball, lit it on fire
25 and threw it inside; right?

1 A Correct.
2 Q Did you burn your hand lighting that ball and throwing
3 it in there?
4 A No.
5 Q Not at all. Did you tell the agents that you threw a
6 rubber ball through a window?
7 A No.
8 Q No.
9 A No.
10 Q Was there a window at Afters?
11 A I don't believe so. I don't recall a window at all,
12 no.
13 Q Now, there came a point in time when you went to Las
14 Vegas; right?
15 A Yes.
16 Q And the first time was roughly when?
17 A In the '80s.
18 Q And that was because you had gotten yourself into some
19 financial trouble; correct?
20 A Yes.
21 Q And you owed some money to the Gambinos; correct?
22 A Yes.
23 Q And you also had an issue with Frankie Hot; right?
24 A Yes.
25 Q And what happened with Frankie Hot?

A He owed the defendant money, I believe it was 25,000 in shylock money, and he had called me up and said: I have the money. I got lucky with something at the racetrack, I have the money.

I says okay, I says: Just hold on. I'll be there in a little while.

And I went to collect the money. It was 25,000. And I says: Do me a favor. I'm only going to give the defendant 15,000 or 10,000 and I'm going to use the rest for a few weeks and I'll pay the juice on it. Could you do me that favor?

And he said: Yes.

Q Then what happened?

A And the defendant came and I gave him the money, some of the money, and continued to pay the juice on the rest of it.

Q And then ultimately?

A The defendant found out through Frankie Hot's partner Arby, who also owed an $80,000 shylock loan to the defendant.

Q So, you just picked up and left; right?

A Yeah.

Q You were married; right?

A Yes.

Q Had four kids?

1 A Yes.
2 Q And you owed a lot of money to a lot of people; right?
3 A Yes.
4 Q And you just picked up and went to Las Vegas; correct?
5 A Well, how I went was because I felt --
6 Q I'm not asking you why you went. That's what you did.
7 You got on a plane and you went to Vegas.
8 A Yes.
9 Q You didn't take them with you; right?
10 A No.
11 Q You didn't leave them with any money?
12 A I had no money.
13 Q So you just left them.
14 A Yes.
15 Q And of all the places in the world you decided to go,
16 owing all this gambling money, you went to Las Vegas.
17 A I didn't make that decision. I went to the airport
18 looking to go someplace there was a racetrack. And, yeah, I
19 thought of Texas, but at that time, the guy at the airlines
20 told me: There are no racetracks in Texas.
21 And I said: Really?
22 He said: Yeah. You need to go to Las Vegas.
23 There's every racetrack in the country there.
24 Q So, this was a well thought out decision, right? You
25 were going to go someplace you could gamble.

1 A Yeah, to try to win back money.
2 Q You left your family with no money and you went to Las
3 Vegas; right?
4 A Yes.
5 Q And you're there for a few months; right?
6 A Yes.
7 Q And then you come back; correct?
8 A Correct.
9 Q And you said that you were hiding out in your mother's
10 house; right?
11 A Yes.
12 Q Now, this is still the same property on Blake Street?
13 A Blake Avenue.
14 Q Right. And the defendant knew where your mother lived;
15 right?
16 A Yes.
17 Q And he knew that you lived there; right?
18 A Yes.
19 Q And all your kids were still living there; right?
20 A No.
21 Q They weren't living there?
22 A No. They were living on 79th Street.
23 Q When you say you're hiding at your mother's house,
24 you're all related; right?
25 A All related?

1 Q Your Mr. Asaro's cousin?
2 A Yes.
3 Q And your sisters are Mr. Asaro's cousins; right?
4 A Yes.
5 Q And your children are all related to his children;
6 correct?
7 A Right.
8 Q So, when you're hiding at his mother's house --
9 A At my mother's house.
10 Q Yeah, sorry. It was your testimony you were hiding at
11 your mother's house; right.
12 A Yes.
13 Q And then it's your testimony that you get contacted
14 about the gold score; correct?
15 A Correct.
16 Q You contacted you about the gold score?
17 A Jimmy Santos.
18 Q What does he tell you?
19 A He tells me: I have a score. You want to do it, you
20 can get out of all the trouble you're in. I already spoke
21 to your cousin.
22 I said: I don't really want to go and see my
23 cousin.
24 You know, I was in a lot of fear of my cousin.
25 Q But you went.

1 A I went on the score, yes.
2 Q You also went to see him.
3 A Oh, yes.
4 Q And the idea was look, Gaspar, do this, you can pay
5 back all your debts; right?
6 A Yes.
7 Q And you didn't do that; did you?
8 A No, I didn't.
9 Q You did the gold score; right?
10 A Yes.
11 Q You got your end of it; right?
12 A Yes.
13 Q But you didn't pay anybody back.
14 A No.
15 Q Now, you said that at the last minute, Jerry Asaro was
16 taken out of the gold score; remember that?
17 A Yes.
18 Q And that Funzie was put in?
19 A Yes.
20 Q How tall is Funzie?
21 A He was, I don't know, maybe six eight.
22 Q So, somebody you would remember seeing; right?
23 A Oh, yes.
24 Q Certainly not inconspicuous.
25 A If he was in a car you wouldn't know how big he was,

1 but standing there, yes, you would.
2 Q Wouldn't exactly blend; right?
3 A If he was standing somewhere, yes.
4 Q Okay. Now, you testified that you kidnapped the driver
5 of the FedEx van; right?
6 A Yes.
7 Q And that you parked the van behind what?
8 A On Rockaway Avenue in Valley Stream.
9 Q What was it near?
10 A It was, like, a little shopping mall, little driveway.
11 Q And then you went and alerted some people that someone
12 was yelling down the driveway; right?
13 A People that were on the street, yes.
14 Q Did you have a mask on or anything?
15 A No.
16 Q So you just identified yourself and said: Hey, there's
17 somebody down there yelling?
18 A It would be more feasible than having a mask and
19 telling someone that; right?
20 Q Well, that's true. But certainly the people you told
21 could see your face; right, Mr. Valenti?
22 A Absolutely.
23 Q You didn't have to do that, right? You could have just
24 walked away.
25 A Absolutely.

1 Q And you testified that you got $187,000 for that
2 robbery; right? I'm sorry, 197.
3 A 197,000.
4 Q Excuse me, $197,000 for that robbery; right?
5 A Yes.
6 Q And you testified you gave half that money to
7 Mr. Asaro?
8 A Yes.
9 Q Did you tell the agents you were given 240 and 250
10 thousand dollars?
11 A No.
12 Q Did you tell the agents that you first received 90 and
13 the rest later?
14 A That's possible.
15 Q But you didn't tell them about the 250?
16 A No.
17 Q Now, after the gold score, what did you do with your
18 money?
19 A I gambled.
20 Q What else?
21 A And I bought a house.
22 Q Where is the house?
23 A In Baldwin, Long Island.
24 Q How did you obtain that house?
25 A I couldn't get a mortgage. I had about maybe 30,000

1 left from the gold score. My sister helped me get it.
2 Q Your sister was a mortgage broker; right? She's in the
3 industry?
4 A A real estate broker.
5 Q Your sister Mary; right?
6 A Yes.
7 Q And you purchased the home in Baldwin; correct?
8 A Yes.
9 Q When you say she "helped" you get it, what did you did
10 she do to help you get the mortgage?
11 A I don't remember. It wasn't under my name; it was
12 either under the real estate name or her name.
13 Q Okay. Was it your understanding that there was
14 something fraudulent going on there?
15 A Not fraudulent at all.
16 Q Not at all?
17 A No.
18 Q You were purchasing the house; right?
19 A I made an investment with her.
20 Q You made an investment with her. Okay. What was your
21 end of the investment?
22 A To live in the house.
23 Q That was your end, you were having to live in the
24 house?
25 A Well, later on you would sell the house.

1 Q You testified you purchased the home after the gold
2 score because you had some money; right?
3 A Yes.
4 Q But your investment was you and your family were going
5 to live in the house.
6 A Yes.
7 Q So, you didn't put any money down.
8 A I just told you I put 30,000 as an investment into the
9 home or 35,000.
10 Q Who did you give that to?
11 A My sister.
12 Q Gave her cash?
13 A Yes.
14 Q What did she do with the cash?
15 A She purchased the house.
16 Q Did she disclose that to the bank? Did she go to the
17 bank and say: Here's $30,000?
18 A I have no idea.
19 Q You have no idea; right?
20 A No.
21 Q What were the terms of the mortgage?
22 A It was a monthly payment. I think it was -- I'm not
23 really sure -- maybe 900 a month.
24 Q Were you disclosed as being one of the people that were
25 living in the house?

1 A On the mortgage?
2 Q On the mortgage application.
3 A No, I don't believe so. I don't really know how that
4 works, the mortgage, so I couldn't really say. I would have
5 had to sign a paper to that, I imagine.
6 Q You knew you couldn't get a mortgage; right?
7 A Yes.
8 Q So, you went to somebody who was in the industry to
9 help you get a mortgage; right?
10 A Yes.
11 Q And then that mortgage appeared; correct?
12 A Yes.
13 Q And you -- it's your testimony you have no idea what
14 your sister put on any of this paperwork; correct?
15 A Well, I gave her money to make an investment.
16 Q Uh-huh. I'm asking about the mortgage papers.
17 A I don't know about the mortgage papers, how it was
18 obtained, what property she bought.
19 Q What property she bought?
20 A I mean, you're a real estate agent and I'm giving you
21 money to make an investment. She might have looked at other
22 properties along as I looked for properties.
23 Q But I thought it was your testimony, Mr. Valenti, that
24 you gave $35,000 as a payment to be able to purchase this
25 home.

1 A As an investment, yes.
2 Q So, what are you talking about as far as what other
3 properties she's looking for?
4 A Just what you're saying. As far as the mortgage goes,
5 I gave that money to make an investment. If she bought the
6 Empire State Building I would live in the Empire State
7 Building. Whatever properties that I looked at, that I
8 liked and felt that later on I could make a profit from it,
9 that's the home that I picked. I chose it.
10 Q We're still talking about the house in Baldwin?
11 A Yes, on Allwyn Street.
12 Q When you say "whatever properties," aren't we talking
13 about one property?
14 A I looked at a few properties.
15 Q But ultimately you decided on a property.
16 A Yes.
17 Q The house in Baldwin.
18 A Yes.
19 Q You gave your sister $35,000 in cash?
20 A I believe 30 or 35, yes.
21 Q She got a mortgage; right?
22 A My sister obtained the mortgage, yes.
23 Q Not in your name.
24 A No.
25 Q But you were the primary person living in the house,

1 you and your family; correct?
2 A Correct.
3 Q And you have now idea whose name the mortgage was in.
4 A No, I do not.
5 Q But you knew you were supposed to make monthly
6 payments; right?
7 A Correct?
8 Q Did you ever make any monthly payments?
9 A Yes.
10 Q How many?
11 A Maybe ten.
12 Q Ten. You think you stayed in that house for how long?
13 A Maybe a year.
14 Q You stopped making the payments; right?
15 A Yes.
16 Q So, your family, who you had moved from Brooklyn out to
17 Nassau County, was now going to be without a home again;
18 correct?
19 A Well, I did have another home in Oceanside before I
20 stopped making the payments on that one, yes.
21 Q I'm sorry, can you repeat that?
22 A When I stopped making the payments on the house on
23 Allwyn Street --
24 Q That's the Baldwin house?
25 A That's the Baldwin house. There was a home I looked at

1 in Oceanside.
2 Q Okay. And?
3 A And I moved my family into the Oceanside home.
4 Q If you had money to move from Baldwin to Oceanside, why
5 not just make the payments on the Baldwin house?
6 A I couldn't afford that and I knew I could get this
7 house in Oceanside that I had looked at. You know, the
8 landlord, she was pretty easygoing girl that, you know, I
9 told her: Look, I could afford the house.
10 And she seemed like an okay gal, like: Okay. If
11 you're a little late, don't worry about it, on payments.
12 Q So, that was going to work out well for you; right?
13 A It would work out basically well for anyone.
14 Q But particularly you. You didn't have a good payment
15 history; right?
16 A Yes.
17 Q And how long do you think you lived in that Baldwin
18 house before you were actually thrown out of the house?
19 A Ten months.
20 Q What happened to the property?
21 A It was sold.
22 Q You testified there were a bunch of botched robberies;
23 right?
24 A Box robberies?
25 Q Botched.

A Oh, botched.
Q Like the Halloween robbery.
A Yes.
Q And that's the one where four grown men in masks and gloves with guns were going to walk up to an armored car in a supermarket parking lot; right?
A Yes.
Q That didn't work out; did it?
A No.
Q Then there was the mink coat highjacking; right?
A Yes.
Q Supposed to be the pelts. That didn't work out; right?
A Right.
Q It was a mixed load from Filene's, wasn't minks at all?
A Correct.
Q Then there was the payroll guy; right?
A Oh, at the bank, yes.
Q The guy was supposed to have the payroll but he didn't have any money at all.
A Yes.
Q And then at some point after that, there comes a incident with Anthony Spero; correct?
A Anthony?
Q Spero.
A Yes.

1 Q What happened with that?
2 A Vinny had given my money to pay him back for this -- I
3 don't remember how much, I think it was 25 or 20 thousand.
4 Q And?
5 A The defendant would go away on the weekends out to his
6 home in Moriches. So, he gave me the money on a Friday, and
7 I gambled Saturday with it and lost most of it; gambled
8 somewhat Sunday and lost a little more; and then when he
9 came back Monday, he asked me if I had gone out to give
10 Spero the money, and I said yes, I did.
11 Q You lied to him?
12 A Yes.
13 Q And?
14 A And what?
15 Q And then there was a problem; correct?
16 A Yes.
17 Q You were -- you told everyone: I gave it to the guy
18 with the brown leather jacket.
19 A Yes.
20 Q And that didn't happen at all.
21 A No, it didn't.
22 Q So, you were sort of called to the table to say which
23 guy with the brown letter jacket; right?
24 A Yes.
25 Q And you couldn't identify anyone because you were

1 lying; right?
2 A Yes.
3 Q At this point, this is 1990; right?
4 A Yeah, around then.
5 Q So, again you're in financial trouble; right?
6 A Yes.
7 Q You had your children thrown out of their home; right?
8 MS. ARGENTIERI: Objection.
9 THE COURT: Sustained.
10 Q Your home was repossessed?
11 A Yes.
12 Q You had to move your family?
13 A Yes.
14 Q You gambled away $25,000 over the course of a weekend?
15 A Yes.
16 Q Money that didn't belong to you?
17 A Yes.
18 Q And you picked up again without taking your family and
19 went back to Las Vegas?
20 A Yes.
21 MS. MACEDONIO: Judge, may we approach?
22 THE COURT: Yes.
23 (Continued on next page.)
24
25

(The following occurred at sidebar.)

MS. MACEDONIO: I'm about to talk to him about a recording that he made with an undercover agent when he's the target of the investigation or the -- I don't know if he's the target, but he's the one being recorded. It's rather lengthy, about fifteen minutes long. I have a copy of the CD, I also have a transcript of it. I just wanted to know how your Honor wanted me to proceed. I could ask the questions in general and if he recalls --

THE COURT: This is not in evidence.

MS. MACEDONIO: No.

THE COURT: So, these are statements made by him?

MS. MACEDONIO: Yes.

THE COURT: How do you want to proceed?

MS. ARGENTIERI: I think it makes sense for her to ask the question. If she needs to refresh his recollection, she can do it with the transcript. Then if that doesn't refresh his recollection, she can play the recording.

THE COURT: That's fine.

(Continued on next page.)

1 (In open court; sidebar ends.)
2 BY MS. MACEDONIO:
3 Q You testified that when you were in Las Vegas you got
4 arrested; do you remember that?
5 A Yes.
6 Q And that was a federal case; correct?
7 A Correct.
8 Q And you the reason why you got arrested on a federal
9 case was because you were being recorded by an FBI agent;
10 right?
11 A Yes.
12 Q And you were talking to an FBI agent by the name of
13 Bill Matthews; is that correct?
14 A Yes.
15 Q And he was making a series of recordings of you?
16 A Yes.
17 Q And in those recordings, you lied to him; right?
18 A Yes.
19 Q And you lied to him about all sorts of things; correct?
20 A No.
21 Q No?
22 A No.
23 Q Let's go through it. Do you remember a recording that
24 will you made with Special Agent Matthews?
25 MS. ARGENTIERI: Objection.

1 THE COURT: Sustained.
2 Q Did you make -- I'm sorry. Have you reviewed a
3 recording that you made with the special agent that was in
4 July of 1991?
5 MS. ARGENTIERI: Objection.
6 Q Are you aware that there's a recording that you made
7 in -- that was made of you in 1991?
8 A I couldn't say precise. I really don't recall. There
9 was a recording made, but I don't know if it was '91.
10 Q Okay. Did you in preparation for your testimony review
11 any of these recordings?
12 A Which case are we speaking of now?
13 Q This case. Before you testified, did you review any of
14 the recordings that were made of you in Vegas in the '90s?
15 A You said "this case." Which case?
16 Q The case that you're testifying in right now.
17 A Repeat the question again, please. I'm sorry.
18 Q You testified that -- withdrawn.
19 Prior to testifying in this case, did you have the
20 opportunity to review any of the recordings that were made
21 of you by Special Agent Matthews in Las Vegas?
22 A Yes.
23 Q And did you review a recording with Special Agent
24 Matthews where you're talking about committing crimes?
25 A I couldn't really say.

1 Q You don't remember?
2 A No.
3 (Ms. Argentieri and Ms. Macedonio confer.)
4 Q Just to clear up, Mr. Valenti, when I ask if you
5 reviewed them, did you actually listen to the recording?
6 A That Bill Matthews made?
7 Q Yes.
8 A Yes.
9 Q Okay. Do you remember, did you tell Special Agent
10 Matthews that you were not a gambler?
11 A That I was not a gambler?
12 Q Yeah.
13 A I don't believe so. I really can't remember that. I
14 don't recall. That's what I did my whole life, basically.
15 I don't know why I would lie about it.
16 Q Okay. If you would be able to review the recording,
17 would that refresh your recollection?
18 A Of course.
19 MS. MACEDONIO: Judge, may I play the recording
20 just for the witness?
21 THE COURT: Yes, unless you want to shortcut it
22 and give him the transcript, I don't know.
23 MS. MACEDONIO: Okay.
24 Q Mr. Valenti, I'm going to hand you a transcript, okay?
25 A Okay.

1 Q I'm handing you what's been marked as Defendant's
2 Exhibit No. 4. Can you take the time to look through that,
3 Mr. Valenti, please?
4 (Pause in proceedings.)
5 Q Mr. Valenti?
6 A Yes.
7 Q Without reading the whole thing, does that refresh your
8 recollection --
9 A (Shakes head from side to side.)
10 Q Not yet? Okay.
11 A Could you show me where it --
12 Q Let me -- when you read -- let me withdraw the question
13 and I'll ask it again.
14 You've been able to review at least the first page
15 of that?
16 A Yes. And it doesn't make sense, but yes.
17 Q Does that refresh your recollection that there's a
18 conversation between you and Special Agent Matthews?
19 A No.
20 Q No?
21 A No.
22 Q Okay.
23 MS. MACEDONIO: Judge, I need to play the
24 recording for the witness.
25 THE COURT: That's fine.

MS. MACEDONIO: May we approach, your Honor?

THE COURT: Yes.

(The following occurred at sidebar.)

MS. MACEDONIO: I think we are sort of in agreement to let him listen to the whole thing. It's about 18 minutes long. He has the transcript now and he can look at it together.

THE COURT: I don't know about lunch.

MS. MACEDONIO: I can move on to a different area.

THE COURT: Could you move on to something else and come back to it?

MS. MACEDONIO: Yes.

(Continued on next page.)

1 (In open court; sidebar ends.)
2 BY MS. MACEDONIO:
3 Q Mr. Valenti, I'll give you the opportunity to review
4 the actual recording but we're going to do that during a
5 break. So, right now we'll move on to something else; okay?
6 A Okay. Do you want these papers?
7 THE COURT: You can just leave it there for now.
8 THE WITNESS: Okay.
9 Q Can you tell us who Little Midge is?
10 A He was a safe cracker that I knew from Robert's.
11 Q Robert's?
12 A Robert's Lounge.
13 Q So, this information about Little Midge is about --
14 withdrawn.
15 When is the last time you saw Little Midge?
16 A Around 19 -- in the '80s.
17 Q So, some time ago; correct?
18 A Yes.
19 Q Did you commit any crimes with Little Midge?
20 A No.
21 Q No? Did you tell the agents that you were holding
22 drugs for Little Midge?
23 A No.
24 Q No. Did you testify on behalf of Little Midge?
25 A Yes.

1 Q And what did you testify about?
2 A I said that he took cases and loaded them into his car
3 from my house.
4 Q Cases of?
5 A Drugs. Pills, I think that's what they said.
6 Q So, what was your testimony about?
7 A That he didn't.
8 Q That he didn't?
9 A Right.
10 Q Had he?
11 A No.
12 Q No?
13 A No.
14 Q So, did you testify truthfully in that proceeding?
15 A Yes. I was under oath.
16 Q Did you tell the agents that you lied in court?
17 A I didn't lie.
18 Q So, you didn't tell the agents that?
19 A That I lied?
20 Q Yes.
21 A No.
22 Q Did you tell the agents that you tried to help Little
23 Midge?
24 A To testify for him.
25 Q Right.

1 A Yes.
2 Q Falsely.
3 A No.
4 Q So, you didn't tell the agents that.
5 A No.
6 Q Moving back to Vegas in 1990, we're going to talk about
7 some of the crimes you committed there; okay?
8 A Yes.
9 Q Now, so far, it's your testimony that everything you've
10 ever done, every crime you've ever committed, you committed
11 with Mr. Asaro.
12 A I said prior to Las Vegas.
13 Q Right, right, prior to Las Vegas.
14 A Yes.
15 Q Prior to 1990.
16 A Yes.
17 Q Now, you left because of this whole $25,000 incident;
18 right?
19 A Yes.
20 Q And, again, you go to Vegas and you have a serious
21 gambling problem.
22 A Yes.
23 Q And you get out there and you start committing crimes;
24 right?
25 A No. I got a job, I worked for a while.

1 Q Right.
2 A And then I was kind of entrapped to doing crimes.
3 Q How were you entrapped to doing crimes?
4 A I was enticed by Special Agent Matthews.
5 Q Really?
6 A Yes. And Anthony Perry, who was an informant.
7 Q So, you didn't have any criminal inclination yourself.
8 Someone else enticed you, drew you in to commit crimes.
9 A Yes.
10 Q Because you hadn't committed any crimes when you were
11 in New York; right?
12 A I committed many crimes when I was in New York.
13 Q You committed decades of crimes in New York; right?
14 A Yes, I had.
15 Q Then suddenly you get to Vegas and you have to be
16 enticed into committing crimes; is that your testimony, sir?
17 A Yes, because I had a job.
18 Q Oh. You finally had a job and you were going to go on
19 the straight and narrow; right?
20 A More or less.
21 Q How long did it take until you were enticed into
22 committing crimes?
23 A Two years.
24 Q Two years. Are you aware that your conduct in the
25 Maxim Hotel conviction was in 1991?

1 A I was convicted in 1991?
2 Q No, that's when your conduct happened. You were
3 committed in '95. The fraudulent invoices were '91?
4 A I said two years so don't hang me for a year.
5 Q I'm not going to hang you at all.
6 A Make me a liar, I'm sorry.
7 Q I'm not going to make you a liar, sir. These
8 recordings with the agent were in July of 1991. Are you
9 aware of that?
10 A No.
11 Q Let's talk about the crimes you were enticed into
12 committing. You said you moved out there and you were
13 staying in hotels; correct?
14 A Yes.
15 Q How were you paying for that?
16 A I had some money through my gambling. And prior to me
17 meeting -- prior to me meeting Anthony Perry, the hotel room
18 was $10. I had some money that I made through playing some
19 poker.
20 Q When you left New York and left your family here, you
21 didn't leave empty handed, you went out with some money.
22 A I had about $300.
23 Q You had enough for you to get by; right?
24 A For me to get by?
25 Q Yeah. You weren't staying on the street.

1 A Sometimes.
2 Q Sometimes you would stay on the street?
3 A Yes.
4 Q Now, we're going to go through them in detail.
5 A Okay.
6 Q But there was the Maxim Hotel, that crime that you
7 committed out there, a fraud against the Maxim Hotel?
8 A Yes.
9 Q You were also stealing chips, right, from casinos?
10 A I didn't steal anything. The agents gave them to us.
11 Q The agents gave them to you and let you cash them in.
12 A Yes.
13 Q But you knew that they were fraudulent; right? You
14 didn't earn those chips; correct?
15 A Correct.
16 Q And you knew that the money you were getting you
17 weren't supposed to be getting; right? Right?
18 A Yes.
19 Q You were also dealing in stolen credit cards?
20 A Yes.
21 Q And some loansharking?
22 A I don't remember the loansharking.
23 Q How about prostitution; do you remember that?
24 A Prostitution?
25 Q Yeah.

1 A No.
2 Q You've never, never arranged for a woman to be with
3 another man?
4 A As an escort.
5 Q Oh, okay.
6 A What takes place after that, that's none of my
7 business. It's legal in Las Vegas, yes.
8 Q But you were involved in it.
9 A Yes. It's legal in Las Vegas.
10 Q But you were involved with it; right?
11 A It's legal, and yes, I was.
12 Q Yes or no. And you were also involved in some
13 robberies; right?
14 A You have to be more precise.
15 Q And then you were also involved with some stolen
16 checks; correct?
17 A (No response.)
18 Q We're going to go through them all.
19 A Okay.
20 Q So, were you enticed to do all of this by an agent of
21 the FBI?
22 A All of what? Let's go through it.
23 Q All the times that I just went through. Some agent at
24 the FBI just turned you away from being on the straight and
25 narrow?

1 A The money was so easy, so, yes I was enticed with it,
2 sure.
3 Q It was so easy to just commit crimes that that's what
4 you did in Vegas; right?
5 A Yes.
6 Q Tell us about the Maxim Hotel. What did you do to
7 them?
8 A FBI Agent Bill Matthews said to get an invoice,
9 construction invoice, and tell them that put down on the
10 invoice -- I believe it was $4,500 or $5,000 that you fixed
11 and maintained the partial work of a bathroom on the --
12 whatever, the tenth floor of the hotel, and that they would
13 send a check; he would present the invoice, and they would
14 send a check to me.
15 Q So, is it the agent of the FBI who gives you all these
16 details on how to commit this crime?
17 A Yes.
18 Q What was your --
19 A Basically.
20 Q So, he just tells you: Here you go Mr. Valenti. He's
21 a crime you could commit. Go for it.
22 A Well, we discussed it between he and I and Anthony.
23 Q This was the enticement, right?
24 A Yeah.
25 Q You said it was $4,5900?

1 A I believe it was at the most $5,000.
2 Q That's not really a lot of money; is it, Mr. Valenti?
3 A No. Of course, we had to split it up.
4 Q So, what was your end of that supposed to be?
5 A Bill Matthews got $2,500, Anthony Perry got 25, and I
6 split that with Anthony, about $1,200.
7 Q When you talk about "enticement," you're talking about
8 $1,200; right?
9 A Yes.
10 Q And what specifically did you do? Did you create the
11 invoice?
12 A Yes.
13 Q And as far as creating the invoice, did you give the
14 company a name?
15 A I might have. I probably did.
16 Q Did you have an invoice printed?
17 A Yes.
18 Q So, did you go to a printing company and draw up an
19 official-looking invoice?
20 A I believe so.
21 Q And did you set up a mailbox so the check would be
22 delivered?
23 A Where I was living.
24 Q Okay. And you didn't actually do the plumbing work;
25 right?

1 A No.
2 Q Was this going to be a one-time thing or were you going
3 to be able to do this over and over again?
4 A Just a one-time thing.
5 Q So, this enticement for $2,500 was just going to be a
6 one-time thing; right? And this is all schemed up by the
7 FBI?
8 A Yes. We, you know -- I'm sorry.
9 Q You also committed a robbery at the Mirabella Hotel; do
10 you remember that?
11 A The Mirabella Restaurant.
12 Q What did you do there?
13 A Slot machines. That was more -- that wasn't really a
14 robbery, I mean a "robbery" robbery. It was for insurance
15 purposes he did it, the owner of the restaurant.
16 Q Well, tell me what happened.
17 A We broke into the slot machines and made like it was a
18 robbery.
19 Q So, you broke into the slot machines and you stole the
20 money; right?
21 A Yes.
22 Q And you did this with the authority of the restaurant
23 owner?
24 A Yes.
25 Q And then he submitted an insurance claim?

1 A I believe so.
2 Q Did the FBI have anything to do with that?
3 A No.
4 Q This was nothing to do with Special Agent Matthews;
5 right?
6 A I don't believe so.
7 Q Certainly nothing to do with Mr. Asaro; right?
8 A Correct.
9 Q Maxim Hotel had nothing to do with Mr. Asaro; right?
10 A That was in Vegas, no.
11 Q Had nothing to do with him.
12 A Absolutely.
13 Q You also were involved in stolen credit cards; do you
14 remember that?
15 A Yes.
16 Q What did you do with the credit cards?
17 A I gave them to Special Agent Matthews.
18 Q You sold them to Special Agent Matthews?
19 A I gave them to him.
20 Q You just gave them to him. Did you also run fraudulent
21 credit cards through a dentist office?
22 A Yes.
23 Q What happened there?
24 A Agent Matthews did that.
25 Q He did that too?

A Yes.
Q This is more FBI enticement.
A Yes.
Q Where did you get the credit cards from?
A I found them in the back of a restaurant in a bag.
Q So, there was a bag of credit cards --
A Yes.
Q -- in the back of a restaurant. Why were you in the back of the restaurant?
A In the restaurant that the FBI had set up for me. Not knowingly. They purchased a kitchen.
Q You're going to have to explain this to me.
A Okay. You want me to explain it?
Q I sure do.
A They set up a kitchen in a bar. It was called The Blue Note. And they said: You know, you cook a little, we could get the restaurant, there were booths there, you have people coming in from all over New York, Florida, you know, wiseguys. They can sit up in the booth.

It was a pretty nice place. And they could sit up in there, you know, at the booths and enjoy themselves: You have the restaurant, you'll make money.

I said: Okay. Sounds good to me.

And in the interim, I was working in the kitchen selling food to regular customers that would come in.

Q So, the FBI set this all up?
A Yes.
Q Pretty elaborate plan. They set up a restaurant for you. Was the restaurant open?
A Yeah, it was open. It wasn't a restaurant, it was a kitchen inside of a bar.
MS. ARGENTIERI: Objection, Judge. Could we have a sidebar?
THE COURT: Yes.
(Continued on next page.)

1 (The following occurred at sidebar.)
2 MS. ARGENTIERI: Unless defense counsel is aware of
3 something I'm not aware of, they did set up that kitchen for
4 him. And the way that it's coming out is it sounds like
5 there's a basis to question what he was saying. But it
6 wasn't -- they used an undercover agent, they set up the
7 kitchen.
8 But the tone of questions, do you have a good
9 faith basis for --
10 MS. MACEDONIO: This is the first I've heard of
11 it.
12 MS. ARGENTIERI: I think it's -- the tone of the
13 questioning suggests the opposite.
14 THE COURT: I assume to the extent there's
15 anything misleading about her tone, you can bring it out on
16 redirect.
17 MS. MACEDONIO: I'll move on.
18 Is there anything else the FBI did? In other
19 words, they set up the restaurant, they have credit cards,
20 we have the Maxim Hotel. What else?
21 MS. ARGENTIERI: You mean what other crimes --
22 MS. MACEDONIO: Was he enticed into?
23 MS. ARGENTIERI: If you listen to the recordings
24 about the mail fraud, I mean, they ask him about where to
25 mail the check four or five times, and it was the agent's

1 idea to mail it to him. If you listen to the recording -- I
2 know you listened -- Special Agent Matthews had a lot of
3 good ideas with this witness. You should hear the
4 recordings.
5 But the point is I didn't object to that because
6 he did it at the end of the day. But, you know, come on. I
7 don't think you want us to play those recordings for him.
8 MS. MACEDONIO: I don't mind.
9 (Continued on next page.)
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1 (In open court; sidebar ends.)
2 BY MS. MACEDONIO:
3 Q So we were talking about the restaurant that the FBI
4 set up for you and that you found some --
5 A The kitchen.
6 Q The kitchen, yes, and you found a bag of stolen credit
7 cards that happened to be in the parking lot of the
8 restaurant; right?
9 A Yes.
10 Q And then the special agent, you gave him the credit
11 cards?
12 A Yes.
13 Q How many credit cards are we talking about?
14 A I would say more than six.
15 Q And then was it the agent who ran the credit cards
16 through the dentist office?
17 A Yes.
18 Q And how much money did you get out of that?
19 A A thousand dollars.
20 Q You were also involved in Las Vegas with some checks;
21 correct?
22 A Could you be a little more specific with that? The
23 check -- the only check I remember was the one from the
24 Maxim Hotel.
25 Q Okay. How about bookmaking? Do you remember anything

with bookmaking?
A I remember bookmakers but I had nothing to do with it.
Q Okay. You had nothing to do with it?
A No.
Q Did you tell the agent that you had anything to do with bookmaking?
A I don't believe so.
Q If I showed you a document, do you think it would help you refresh your recollection?
A Yes.
Q Showing you what's been marked as Government's Exhibit 3500GV14, Page 15, can you see that or is it too small?
A No, that's good.
Q See this right here?
A Yes.
No, I don't recall that at all.
Q You don't recall telling the agents that?
A No.
Q That does not refresh your recollection?
A No. I mean, I don't want to say people's name, but this name here --
Q Okay. If you don't recall it --
A He had a lot -- that was his thing.
Q Do you recall telling the agents anything about the prizefighter?

1 A Yes.
2 Q You do. Tell me about the prizefighter.
3 A That was Tammy Moriello.
4 Q What about -- what's the fighter's name?
5 A Tammy.
6 Q Tammy?
7 A Tammy Moriello.
8 Q What about Tammy Moriello?
9 A I met him a few times through his brother Al. I used
10 to stay with Al and Al's son Steven Moriello.
11 Q Did you have any business affiliation with Tammy?
12 A No.
13 Q This is just somebody that you met?
14 A Yes, through his brother.
15 Q Tell us about the stolen chips. What happened there?
16 A The agent would give you chips in a velvet bag, Crown
17 Royal bag, like a velvet-type bag, and we'd cash them in at
18 the cage, give the money to -- there were two agents that I
19 dealt with, that I knew of; one was Bill Matthews, and the
20 other agent's name was Mike.
21 Q Okay. So you would cash them in?
22 A Yes.
23 Q Steal the money.
24 A Cash them in at the casino cage.
25 Q Right. But you knew that you hadn't earned those

1 chips; right? You hadn't won one them.
2 A No, I was given them by the agent.
3 Q You knew when you were walking out of there you were
4 walking out with money you weren't entitled to.
5 A Yes.
6 Q Tell us about the escort service you were involved in.
7 A I wasn't involved per se in a particular escort
8 service.
9 Q Then what happened?
10 A If a client would suggest that he wanted to go out to
11 the ranch --
12 Q Excuse me, the what?
13 A To the ranch.
14 Q What is the ranch?
15 A The ranch is a legal prostitution in Las Vegas.
16 Q Okay.
17 A I'd say it's an hour to get out there, over an hour,
18 and it's an hour to come back.
19 He says: Well, I want to go and see it.
20 I say: Okay. If you're looking for an escort, I
21 know of a few that I can recommend.
22 Q Okay. And?
23 A But he never mentioned what he wanted, the services.
24 The girls will go to dinner with you --
25 Q You're a grown-up; right, Mr. Valenti? I mean, you

1 understand what this was about.
2 A Yeah, of course I do.
3 Q Did you receive a commission for this?
4 A 30 percent of whatever they spent at the ranch was
5 given to the drivers, myself, whoever drove a limousine.
6 Q Fair enough.
7 A Which is a legal situation.
8 Q And with the escort service?
9 A The escort service, they would basically do the same
10 thing but not as high of a percentage.
11 Q Okay. Do you recall -- withdrawn.
12 Did you also mug a man and hit him with a brick?
13 A That's what I told the agent, yes.
14 Q That's what you told the agent?
15 A Yes.
16 Q Did that happen?
17 A No.
18 Q So, you told what agent that?
19 A Matthews.
20 Q So, you lied to Agent Matthews but you hadn't actually
21 mugged somebody and hit him with a brick?
22 A Yes.
23 Q Do you recall telling the agents in this case that?
24 A I don't recall that.
25 Q I'm going to show you what's marked as 3500GV14, Page

1 32. You see this right here?
2 A Yes, I see it.
3 Q Does that refresh your recollection that you told the
4 agents in this case that you mugged a man for his wallet
5 with a brick and took money from his wallet?
6 A The credit card, I didn't take no money. I told him,
7 but it didn't happen.
8 Q Okay. So?
9 A The way it's written, you can leave it the way it's
10 written. Either way, it didn't happen.
11 Q Didn't happen but you told agents that?
12 A Yes.
13 Q The girls from the escort service, did they come from
14 the Crazy Horse?
15 A No, that was a service. Crazy Horse was an adult
16 entertainment gentleman's club.
17 Q So it's more like a strip club?
18 A Yes.
19 Q So, what you're talking about as far as the escort
20 service is something that's completely different?
21 A Yes.
22 Q What was your affiliation, if anything, with the Crazy
23 Horse?
24 A They would pay the limo seen drivers $20 each person
25 that you brought into their club.

1 Q Okay. And?
2 A And if you brought 10 people, you received $200.
3 Q So, it was to your benefit to bring people into that
4 club.
5 A Absolutely.
6 Q Did you create a scheme with some of the people that
7 you brought to the Crazy Horse?
8 A What do you mean a "scheme"?
9 Q Did you drop some people off at the Crazy Horse
10 multiple times in the same night?
11 A Yes.
12 Q Let's say if I got in your cab and said we're going to
13 go to Crazy Horse, drop me off there, you get $20?
14 A Yes.
15 Q Then what would happen?
16 A I'd get $20.
17 Q And after that, did you have an agreement with this
18 person that you dropped off that you were going to drop them
19 off again so you could get another $20?
20 A That doesn't make sense.
21 Q That's what I'm asking. I'm asking if you dropped the
22 same people off multiple times.
23 A Sometimes. They would call me and they want to go to
24 another gentleman's club and I would take them to another
25 gentleman's club and sometimes get $50 a person.

1 Q But what I'm asking you is did you create a scheme
2 where you would get --
3 A Oh, I see where you're going. No.
4 Q Never, that never happened?
5 A No.
6 Q Let me finish the question so the record is clear.
7 A Sure.
8 Q So, you didn't create a scheme where you would, let's
9 say, drop the same group of people off multiple times at the
10 Crazy Horse and receive payments for dropping that same
11 group of people off on multiple times that night?
12 A It's possible, but these people that went into the
13 place paid $20 to get in. If I dropped five people off,
14 they paid $100 to get into the club and that $100 would go
15 to me. So, there was no scheme in any which way to -- I
16 know what you're saying but it doesn't work that way.
17 Q It didn't work that way, right, with you?
18 A I doesn't work like that with anyone.
19 Q Well, you could -- withdrawn.
20 Now, at some point you went to jail; correct?
21 A Yes.
22 Q And when you came out of jail, you stayed in Las Vegas?
23 A Yes.
24 Q And how long were you in jail?
25 A I think it was eight months, six months or eight

1 months.
2 Q And who were you living with when you came out of jail?
3 A I went to live with a woman named Mildred Whitehead.
4 Q And were you working at a company called Bell Limo?
5 A Yes.
6 Q And did you ultimately get fired from Bell Limo?
7 A Yes.
8 Q Why did you get fired?
9 A I had an argument with the doorman at the Stratosphere
10 Hotel.
11 Q And?
12 A And some words were exchanged and I said some real
13 nasty things to him. And he called my boss and my boss
14 called me in the office and he says: You know, you can't do
15 that. I have this hotel as one of my clients.
16 I said: Well, you know, this guy was a big guy
17 and he wanted to be a tough guy with me and, you know, there
18 was an incident and I said some nasty things to him.
19 Q Okay. And then after you got fired, what did you do?
20 A I went to work for -- Elite was another company.
21 Q Did you go back and choke the guy who had gotten you
22 fired?
23 A Choke the guy who got me fired? No.
24 Q Did you tell the agents that you had choked the guy who
25 got you fired?

1 A Absolutely not.
2 Q When you went out to Las Vegas, you created a very
3 elaborate lie about why you were there; do you remember
4 that?
5 A Yes.
6 Q And do you remember you told this lie to Anthony Perry?
7 A Yes.
8 Q And you told him that essentially three people had
9 died; correct?
10 A Yes.
11 Q You told him you were involved in a drug deal that had
12 gone bad with an individual named Mike; right?
13 A Yes.
14 Q And that Mike was in front of a bar; right?
15 A He came out of the bar.
16 Q Came out of the bar as if he had been shot, right,
17 holding his chest?
18 A Yes.
19 Q Two individuals came out of that bar. You shot and
20 killed them; right?
21 A I shot them. I don't know if I killed them.
22 Q Did you tell Anthony that these people died?
23 A I might have.
24 Q And you drove Mike to the hospital; right?
25 A Yes.

1 Q You said Mike died in the hospital?
2 A I might have said that.
3 Q And that you burned the car?
4 A Right.
5 Q And that's why you came to Las Vegas?
6 A Correct.
7 Q That's a pretty elaborate lie; wouldn't you agree, Mr.
8 Valenti?
9 A Yes.
10 Q Did you stick with that lie while were you out there?
11 A Yes.
12 Q Did you talk about burning down houses for insurance
13 paybacks while you were in Las Vegas?
14 A I believe so.
15 Q Did you actually do that?
16 A Yes.
17 Q You burned down houses while you were in Las Vegas for
18 insurance purposes?
19 A Not in Las Vegas.
20 Q Where did you do it?
21 A In Long Island.
22 Q It was something that you talked about doing while you
23 were in Las Vegas?
24 A No.
25 Q So, you were just relating what had happened in New

1 York?
2 A Yes.
3 Q Did you tell people in Las Vegas that you would whack a
4 guy out if needed?
5 A There was one particular incident.
6 Q Tell me what happened.
7 A This guy was -- he was a wiseguy. He was giving
8 Anthony a lot of problems. Anthony was telling me this,
9 Anthony Perry, the informant. And Anthony was afraid the
10 guy was going to kill him. I says: Well, I'll help you
11 kill him.
12 Q So, you sort of volunteer yourself?
13 A Yes.
14 Q To whack out the wiseguy.
15 A Yes.
16 Q Do you make any further plans to do that?
17 A No.
18 Q It was just talk about it?
19 A Yes.
20 Q But you didn't know that Anthony Perry was cooperating;
21 right?
22 A No.
23 Q So, when you're talking to him, you didn't know you
24 were being recorded; right?
25 A Exactly.

1 Q And he's telling you I'm afraid this person is going to
2 kill me, and you're saying to him: I'll help you kill him
3 first.
4 A Yes.
5 Q Did you talk about staging automobile accidents when
6 you were out in Las Vegas?
7 A Yes.
8 Q What happened.
9 A I think -- I believe it was with -- John Conti was
10 involved in that.
11 Q Who's John Conti?
12 A He's a wiseguy with the Lucchese crime family.
13 Q Out in Las Vegas?
14 A He lives in Las Vegas.
15 Q And?
16 A He said he had a guy who'd have a car accidents, I'll
17 hit him with the car, and we'll collect the insurance
18 company.
19 Q That's something you and Conti were planning?
20 A Yes. I think Al was involved in that too, Moriello.
21 Q What, if anything, did you do in furtherance of that?
22 A Nothing.
23 Q You just talked about it?
24 A Yes.
25 Q Did you talk about running over and killing someone, or

1 was that part of the same --
2 A That's the same thing.
3 Q Okay?
4 A Why would you kill him for insurance? You would have
5 no insurance.
6 Q Right. Well, who knows?
7 And you also talked about a cigarette load; do you
8 remember that?
9 A Yes.
10 Q Tell me about that.
11 A That was with Agent Matthews at Circus Circus, that the
12 cigarette truck would pull up -- it's a small straight job
13 or a van, I'm not sure, and I would be able to take the
14 truck because they leave it running, because agent -- he was
15 against weapons. I said: I'm going to need a pistol. I
16 don't have a pistol.
17 And he says: Oh, we got to do it another way.
18 He kind of shied away from the gun situation. So,
19 I said, well, they park -- they pull in and they park on the
20 side by Circus Circus. There were two parkings lots, and
21 they would pull in. I said he leaves his truck running, we
22 would be able to jump in it and take it. And would need a
23 truck for it. And I believe he said he would work on a drop
24 off Tropicana Avenue. There was a place he mentioned, a
25 truck stop, that we would be able to switch out the

1 cigarettes into another truck.
2 Q So this is a conversation --
3 THE COURT: Actually, lunch is here, so we're
4 going to take a break. Let's resume at ten minutes to. Is
5 that all right?
6 (Jury exits.)
7 THE COURT: I think we should have Mr. Valenti
8 stay in the courtroom for a few minutes. Is that correct?
9 MS. ARGENTIERI: Maybe we could just put on the
10 record what we're going to play.
11 THE COURT: Yes.
12 MS. ARGENTIERI: I'd like to listen to it with Ms.
13 Macedonio.
14 THE COURT: Do you need me to listen to it too?
15 MS. ARGENTIERI: No.
16 MS. MACEDONIO: We're going to go play for the
17 witness Government Exhibit 3500GV15. It's not the entire
18 recording, it's just a portion of the recording that records
19 Mr. Valenti.
20 THE COURT: Okay.
21 MS. MACEDONIO: You still have the transcript,
22 Mr. Valenti?
23 THE WITNESS: Yes.
24 MS. MACEDONIO: That one; not that, that. We're
25 going to play this.

1 (Luncheon recess taken.)
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(In open court outside the presence of the jury.)

(Witness resumes the stand.)

(Audio recording played.)

THE COURT: It was a bit lengthier than we anticipated.

MS. MACEDONIO: Judge, I didn't realize it was that long.

THE COURT: All right. Are we ready to bring in the jury?

MS. MACEDONIO: Yes.

MS. ARGENTIERI: Judge, we were requesting to take a witness out of turn this afternoon. He's a priest.

THE COURT: That's fine. I have no problem with that.

MS. ARGENTIERI: So if we could just do that now.

THE COURT: I'd like to finish the defendant. Not the defendant. I'm sorry, Mr. --

MS. FERRONE: Judge, may we approach on the next witness briefly?

(Continued on the next page.)

1 (Sidebar conference.)
2 MS. MACEDONIO: The good news is I've taken this
3 opportunity to streamline my cross and I think we'll be able
4 to finish Mr. Valenti today for sure.
5 THE COURT: You want to take your witness first?
6 MS. ARGENTIERI: Would that be okay, just so the
7 witness doesn't have to wait around? They didn't object.
8 MS. MACEDONIO: I think Ms. Ferrone has an
9 objection.
10 MS. FERRONE: My understanding is this individual is
11 going to testify he went down to the basement of a church,
12 found a book that indicates that Jimmy Burke is the
13 defendant's son's godfather. We're just -- we think that's a
14 little far afield for the charges in this case.
15 THE COURT: I'm sorry. Would you repeat that?
16 MS. FERRONE: Of course. I'm sorry, Judge. My
17 understanding is that the individual, the next witness is a
18 reverend and that he found a book at his church that indicates
19 that Jimmy Burke is the defendant's son, Jerry, his godfather.
20 And my understanding is --
21 THE COURT: Jimmy Burke.
22 MS. FERRONE: Is Jerry Asaro, the defendant's
23 son's confirmation sponsor. And --
24 THE COURT: I don't mind.
25 (End of sidebar conference.)

(In open court.)

THE COURT: We're going to take witnesses out of turn so we're going to give you a little break.

(Witness steps down from the stand.)

(Jury enters courtroom.)

THE COURT: Please be seated. Ladies and gentlemen, we're going to take a witness out of turn and then we will resume with the cross-examination of Mr. Valenti. Go ahead.

MS. COOLEY: Thank you, Your Honor. The government calls Father Jose Herrera.

THE COURT: Please come right up here. Dennis is going to put you under oath.

(Witness sworn.)

COURTROOM DEPUTY: Please state and spell your name for the record and keep your voice up, please.

THE WITNESS: My name is Jose Francisco Herrera.

COURTROOM DEPUTY: Spell it, please.

THE WITNESS: H-e-r-r-e-r-a. I'm the pastor of Saint Fortunato.

THE COURT: Could you speak right into the microphone and keep your voice up. Thank you.

JOSE FRANCISCO HERRERA,

called by the Government, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

1 BY MS. COOLEY:
2 Q Good afternoon. Are you currently employed as a priest?
3 A Yes, I am.
4 Q And where are you currently working as a priest?
5 A My parish is Saint Fortunata. It's in Brooklyn.
6 Q And where in Brooklyn is Saint Fortunata Church located?
7 A 2609 Linden Boulevard.
8 Q And was the church located there in 1969, to your
9 knowledge?
10 A Yes.
11 Q What faith is associated with Saint Fortunata? What
12 religion, I'm sorry.
13 A I'm sorry. Roman Catholic Church. We are Catholics.
14 Q Now, what is a confirmation in Catholicism?
15 A As Catholics, we follow -- we live our faith through
16 seven sacraments. At the initiation of the sacraments, we
17 have baptism, Eucharist. We have a big feast for the first
18 communion. Confirmation, when you are being 13, around 14,
19 you've decided to confirm your faith, to embrace your faith as
20 a Catholic in that sacrament.
21 Q And you testified that a confirmation traditionally
22 occurs around the age of 13 or 14 years old, in the early
23 teens?
24 A Yes.
25 Q Now, when someone gets confirmed in Catholicism, do they

1 have what's called a sponsor?
2 A Yes, they have a sponsor.
3 Q And what are the requirements for being a sponsor of
4 someone who gets confirmed?
5 A First of all, he has to be Catholic, to live a -- give
6 testimony of his living his faith, is a good example for the
7 candidate who will be confirmed. I think that's the present
8 requirement. And to be older than 18.
9 Q You said older than 18 years old?
10 A Yes, uh-huh.
11 Q And is the role of a sponsor for confirmation to be
12 present in someone's life and help guide them in the religion?
13 MS. MACEDONIO: Objection.
14 THE COURT: Yes. Please don't lead.
15 Q What is the purpose of a sponsor in a confirmation?
16 A To be with the candidate in his faith, to practice his
17 faith. That's why he has to be a good example for him, a
18 guide. He will receive guidance from him.
19 Q And generally speaking, what relationship, if any, does a
20 sponsor have to the person who is confirmed?
21 MS. MACEDONIO: Objection; calls for speculation.
22 MS. COOLEY: I can rephrase the question, Your
23 Honor.
24 THE COURT: That's fine.
25 Q In your experience, what types of relationships does the

1 sponsor traditionally have with the candidate for
2 confirmation?
3 A It has to be a close relationship, because it's the life
4 of the faith. Sometimes -- most of the times the family
5 choose a member of the family, a relative as the sponsor, or a
6 closest friend who's a good example for him or her.
7 Q Now, generally, does your church keep records of
8 confirmations that happen there?
9 A Sure. Certainly.
10 Q And are those records generally kept in a book of some
11 form?
12 A Yes.
13 MS. COOLEY: Your Honor, may I show something just
14 to the witness?
15 THE COURT: Yes.
16 MS. COOLEY: I can use the Elmo if that's all right.
17 THE COURT: That's fine.
18 Q Father, I'm showing you what's been marked for
19 identification as Government Exhibit 709.
20 A That is the confirmation record book that belongs to my
21 parish.
22 MS. COOLEY: Your Honor, I move to admit Government
23 Exhibit 709.
24 MS. MACEDONIO: Judge, I don't think we have a
25 complete foundation for it.

1 MS. COOLEY: Your Honor, I can ask a follow-up
2 question.
3 THE COURT: That's fine.
4 Q I'm showing you the spine of the book, Father. Are you
5 able to see that?
6 A May -- confirmation record book number 4, May 9th, 1964,
7 to May 17, 1975.
8 Q And, Father, do you have knowledge that this book comes
9 from your parish, it's a record of confirmations at your
10 church?
11 A Certainly.
12 MS. COOLEY: Your Honor, I move to admit.
13 MS. MACEDONIO: No objection.
14 THE COURT: It's admitted.
15 (Government Exhibit 709 received in evidence.)
16 MS. COOLEY: May I publish, Your Honor?
17 THE COURT: Yes.
18 (Exhibit published to the jury.)
19 Q So is this the front page of that confirmation record
20 book, Father?
21 A Yes.
22 Q I'm going to direct your attention to page 71 of this
23 book, and if you can read, what is the date listed at the top
24 there?
25 A May 17, '69.

1 Q That's 1969?
2 A Yes.
3 Q And I'm going to direct your attention to the entry right
4 here where my finger is.
5 A Asaro, Jerome James.
6 Q And so is the full name of the person being confirmed --
7 A Yes, it is.
8 Q -- Jerome Asaro?
9 A Uh-huh.
10 Q And what is his confirmation name that's listed?
11 A He has chosen Apostle James. James.
12 Q And what is a confirmation name?
13 A As Catholics, we admire the saints, life saints, and we
14 choose one of the saints that we admire. And I see that he
15 has chosen the Apostle James.
16 Q And I'll now point to this part of the book. Is this the
17 date that Jerome Asaro was baptized?
18 A April 20, '58. Yes.
19 Q And does it say that the location of that baptism was a
20 church, Saint Mary Gate of Heaven on 101st Avenue in Ozone
21 Park?
22 A Yes, it is.
23 Q And to the right of that, are there names of parents
24 listed where I'm pointing?
25 A Vincent and Theresa Myler.

1 Q And finally, to the right here, is there a sponsor listed
2 for Jerome Asaro?
3 A James Burke.
4 MS. COOLEY: Your Honor, I have no further
5 questions.
6 MS. MACEDONIO: No questions, Judge.
7 THE COURT: Nothing?
8 MS. MACEDONIO: No, thank you.
9 THE COURT: Thank you very much. You are excused.
10 THE WITNESS: You're welcome.
11 THE COURT: We're going to take a two-minute break.
12 THE WITNESS: May I leave?
13 THE COURT: You can leave.
14 (Witness steps down from the stand.)
15 (Jury exits courtroom.)
16 (GASPAR VALENTI resumes the stand.)
17 (Jury enters courtroom.)
18 THE COURT: Please be seated. Ms. Macedonio.
19 MS. MACEDONIO: Thank you, Your Honor.
20 Q Mr. Valenti, when we broke you were telling us about a
21 cigarette loading at Circus Circus? Do you remember that?
22 A I'm sorry, I couldn't hear you.
23 Q When we broke, you were talking about a cigarette loading
24 at Circus Circus. Do you remember that?
25 A Yes.

1 Q And was this something that you had just talked about?
2 A Yes.
3 Q Who were you talking about it with?
4 A I believe it was the Agent Bill Matthews.
5 Q But this wasn't something that you and Bill Matthews
6 carried out together; is that correct?
7 A No. Correct.
8 Q Now, all of the crimes that we talked about in Vegas and
9 all of the talking about crimes that we talked about in Vegas
10 have nothing to do with Mr. Valenti; right?
11 A You mean Mr. Asaro?
12 Q I'm so sorry. Yes, Mr. Asaro.
13 A Yes.
14 Q Okay. Now, when you were released from prison, you were
15 on something that's called supervised release; right?
16 A Yes.
17 Q What is supervised release?
18 A I had to report to a probation officer once a month.
19 Q Okay. And during the period of time that you were on
20 supervised release in Las Vegas, were you continuing to commit
21 crimes?
22 A No.
23 Q You didn't commit a single crime from 1996 until the time
24 you came home?
25 A I believe so.

1 Q Are you sure about that?
2 A Well, I don't know if it's considered -- I don't know.
3 There was a domestic violence and jaywalking, if that's a
4 crime.
5 Q Okay. Well, domestic violence is certainly a crime, so
6 why don't you tell us about that.
7 MS. ARGENTIERI: Objection.
8 THE COURT: Sustained.
9 Q Tell us about the domestic violence incident.
10 MS. ARGENTIERI: Objection.
11 THE COURT: Yes. Do you understand?
12 MS. MACEDONIO: Yes. Judge, may I approach very
13 briefly?
14 THE COURT: Yes.
15 (Continued on the next page.)
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(Sidebar conference.)

MS. MACEDONIO: I don't want to ask him about the facts and circumstances of the domestic violence incident. I just want to ask him if he understands that domestic violence is a crime and if he committed it while it was on supervised release it was a violation of his supervised release.

MS. ARGENTIERI: There's completely outrageous.

THE COURT: Well, it's very frustrating because you agreed not to ask anything about that.

MS. MACEDONIO: I didn't elicit that from the witness.

THE COURT: Right, but you dug right into it.

MS. MACEDONIO: I wasn't expecting it.

(End of sidebar conference.)

1 (In open court.)
2 BY MS. MACEDONIO:
3 Q Mr. Valenti, when you were arrested in Las Vegas, you
4 filled out a financial affidavit. Do you remember that?
5 A No, I do not.
6 Q Do you remember that you were assigned counsel in Las
7 Vegas?
8 A Yes.
9 Q Did you have to fill out a form to be able to get counsel
10 assigned to you?
11 A I don't really remember.
12 Q If I showed you -- if I showed you the form, would it
13 refresh your recollection?
14 A It may. Is that from my Attorney Leslie?
15 MS. MACEDONIO: This is for the witness only.
16 Q I show you what's been marked as Defendant Exhibit Number
17 6. Do you see that, Mr. Valenti?
18 A Could you make it a little larger, please?
19 Q I'm going to hand it to you, okay?
20 A Okay.
21 MS. MACEDONIO: May I inquire from here?
22 THE COURT: Yes.
23 Q Does this form refresh your recollection that you filled
24 out a financial affidavit in connection with your
25 representation in Las Vegas?

1 A Yes.
2 Q Okay. And did you sign this form?
3 A Yes.
4 Q Okay. And when you signed the form, were you swearing
5 that the information on the form was true and accurate?
6 A Yes.
7 Q Yes?
8 A Yes.
9 Q Do you recall putting in this financial affidavit saying
10 that you worked on a commission basis for Class A
11 Construction?
12 A Yes.
13 Q What's Class A Construction?
14 A I believe that was a -- like patio cover on a house in
15 back of the homes.
16 Q Did you actually work there?
17 A Yes.
18 Q You did?
19 A I believe so, yeah.
20 Q You believe so. You're not sure?
21 A Yes. I worked for a company. I don't remember exactly
22 precisely if it was Class A, but I did work for a company in
23 Las Vegas that did that work.
24 Q But you're not sure as you sit here today if you worked
25 for that company?

1 A I'm not sure if that was the name of the company.
2 Q Okay. And --
3 A It must be. I signed it so....
4 Q Did you indicate that you got $2,800 from the accident
5 settlement?
6 A Yes.
7 Q What was that about?
8 A Car accident.
9 Q A car accident. You were involved in a car accident and
10 you got a settlement?
11 A Yes.
12 Q And did you also indicate that you lived with your son?
13 A Yes.
14 Q Now, which son were you living with?
15 A Anthony.
16 Q And you were married at the time; is that correct?
17 A Yes.
18 Q So were you and your wife living with your son Anthony?
19 Did you hear me?
20 A I don't know what year you're speaking of, but yes, she
21 did come to Las Vegas for a couple of months to live.
22 Q Well, this is dated 1995. So which wife are we talking
23 about?
24 A Linda.
25 Q Was Linda working while she was out there?

1 A She took a leave of absence.
2 Q We'll talk about that in a few minutes. Do you recall
3 having an amendment to your supervised release?
4 A As far as what?
5 Q For any problems while you were on supervised release.
6 A Did I cause any?
7 Q Do you recall any?
8 A No.
9 Q Do you recall that as part of your supervised release you
10 were required to participate in a mental health treatment
11 program?
12 A It wasn't mental health.
13 Q Tell us what it was.
14 A It was like a psychologist.
15 Q You had to go see a psychologist?
16 A Yes.
17 Q And what was that for?
18 A Part of the release with the program that I was in, that
19 I was released from prison, I had to see a probation officer.
20 Q Right.
21 A Also go to a counselor.
22 Q And are you aware that your supervised release was
23 modified to include that counseling?
24 A I had to see a counselor. I don't know about the
25 modification.

1 Q Okay. During the break, you were able to listen to a
2 recording that was made of you; correct?
3 A Yes.
4 Q Okay. And that was a recording that was made with
5 Special Agent Bill Matthews?
6 A Yes. Peterson, Bill Peterson.
7 Q Okay. Now, is it fair to say that in the course of that
8 recording you told the agent a series of lies?
9 A Yes.
10 Q Okay. And those lies included being able to raise
11 hundreds of thousands of dollars; correct?
12 A Yes.
13 Q Did you tell the agent that you were able to raise
14 $400,000 in New York?
15 A Yes.
16 Q And that you did that within a year?
17 A Yes.
18 Q Did you tell the agent that you had a team of four men
19 that were committing all sorts of hijackings?
20 A Yes.
21 Q And did you tell him that you were able to pay back all
22 of your debts by doing this?
23 A Yes.
24 Q That it had solved all of your problems here in New York?
25 A Yes.

1 Q All of this was a lie; right?
2 A Yes.
3 Q And you just sat down with this individual and you just
4 lied to him about your past; correct?
5 A I was directed to do that.
6 Q You were directed to lie to him?
7 A Yes.
8 Q Who directed you to lie to the FBI agent?
9 A Anthony Perry.
10 Q Oh, so you didn't do it of your own free will, somebody
11 told you, lie?
12 A Yes. The more you tell them things, you make up stories,
13 you know, they'll give you more money.
14 Q Who will give you more money?
15 A Bill. The FBI agent.
16 Q Why was the FBI agent giving you money for making up
17 stories?
18 A To show that I was -- I made the story up to show him
19 that I was deeply involved in organized crime. And he wanted
20 to continue to, you know, give me tribute and so I can meet --
21 so he could meet some of these people later on.
22 Q Okay. So you were puffing yourself, so to speak?
23 A Yes.
24 Q Is that fair to say?
25 A Yes, it is.

1 Q And you made up quite an elaborate tale; right?
2 A It was a tale. I wouldn't say it was elaborate.
3 Q You told him you had four people in your team; right?
4 A Yes.
5 Q You told him about specific hijackings you had done;
6 right?
7 A Yes.
8 Q Razor blades was one of them; right? You stole a load of
9 razor blades?
10 A Yes.
11 Q You stole a load of flashbulbs; right?
12 A Yes.
13 Q You talked about computer equipment that was on trucks;
14 right?
15 A Yes.
16 Q And how you knew or a member of your team knew how to rig
17 that computer equipment so that you'd be able to actually
18 hijack the truck and not get caught?
19 A Yes.
20 Q Did you also tell him that you had robbed an individual
21 within the hotel that you pushed into the room?
22 A Yes.
23 Q Was that a lie?
24 A Yes.
25 Q You made that up too?

1 A Yes. That was at Circus Circus.
2 Q That was at Circus Circus that the recording happened or
3 that you were telling him?
4 A No, that's the room I was staying in.
5 Q Now, you talked about you had a girlfriend out there
6 named Mildred Whitehead; correct?
7 A Yes.
8 Q And did you become involved in a lawsuit with Mildred
9 Whitehead? Did she sue you?
10 A Yes. She garnished my pay.
11 Q Why?
12 A For a loan that I had taken from her.
13 Q So this was your girlfriend; right?
14 A Yes.
15 Q You were involved in a romantic relationship with her?
16 A Yes.
17 Q And you borrowed money from her?
18 A Yes.
19 Q Which she had to sue you to get the money back?
20 A Yes. She garnished my pay.
21 Q Okay. But that was a proceeding she had to go through to
22 actually --
23 A Exactly. Yes.
24 Q You talked a moment ago about a car accident. Were you
25 actually involved in a car accident out there?

A Yes.
Q And were you wearing a cast on your arm for a period of time?
A A cast on my arm?
Q Yes.
A No. I hurt my leg.
Q Okay.
A I had no cast, no.
Q All right. You also met your second wife out in Las Vegas; right?
A Yes.
Q And when did you become involved with her?
A 1999.
Q And you had your first wife come out to Las Vegas as well; right?
A Yes.
Q And that's Linda Valenti; right?
A Yes.
Q And did you promise Linda that things were going to be different if she came out to Vegas?
A Yes.
MS. ARGENTIERI: Objection; relevance.
THE COURT: Sustained.
Q When Linda came out to Vegas, were you financially secure?

A Yes.
Q You were?
A Yeah.
Q Isn't it a fact, Mr. Valenti, that when Linda came out to Vegas she had to pay the utilities to turn them back on?
MS. ARGENTIERI: Objection; relevance.
THE COURT: Sidebar.
(Continued on the next page.)

(Sidebar conference.)

THE COURT: Is this as good as you can do?

MS. MACEDONIO: Yes.

THE COURT: It really is a waste of time. It's just not very effective either, so I don't even mind cutting it off.

MS. MACEDONIO: Okay.

(End of sidebar conference.)

1 (In open court.)
2 BY MS. MACEDONIO:
3 Q Now, ultimately you went back to New York; is that right?
4 A Yes.
5 Q And did you leave a trail of people that you owed money
6 in Las Vegas?
7 A Two or three.
8 Q Who?
9 A One of the limousine drivers. A concierge company.
10 Q How about Vinnie Green from the Crazy Horse Casino, did
11 you owe him money?
12 A No.
13 Q Armando of the Joker Poker Machines?
14 A No.
15 Q When you came back to New York City, you had a suit on
16 your back and a baby in your arms; right?
17 A Yes.
18 Q When you came back to New York, you said you got
19 reacquainted with Mr. Asaro through your son Anthony; is that
20 right?
21 A Yes.
22 Q You said he was working at the fence company?
23 A Yes.
24 Q And that was in 2005?
25 A Yes.

1 Q Are you aware, sir, that Anthony stopped working at the
2 fence company in 2001?
3 A No. I know he was driving some kind of soda truck.
4 Q But he wasn't working at the fence company?
5 A He might have worked there part time. I don't know.
6 Q And you come back to New York and you get reacquainted
7 with Mr. Asaro; is that correct?
8 A Yes.
9 Q And shortly thereafter you began to cooperate with the
10 FBI; right?
11 A Three years later.
12 Q Okay. And the first recordings that you make of Mr.
13 Asaro involve the property at Drew Street; right?
14 A Yes.
15 Q And is it fair to say that you had had some conversations
16 with Carmine Muscarella prior to these conversation that you
17 recorded with Mr. Asaro?
18 A Yes.
19 Q And there comes a point in time in October of 2010 where
20 you actually went in and spoke to Carmine Muscarella; correct?
21 A Yes.
22 Q And did you do this at the FBI's direction?
23 MS. ARGENTIERI: Can we get a time frame?
24 MS. MACEDONIO: 10/21/2010, Government Exhibit
25 204-T.

1 A I spoke to the defendant first, yes. And then --
2 Q Okay, so -- go ahead, I'm sorry.
3 A And then notified the agents.
4 Q And then at the agent's direction, you went to Carmine
5 Muscarella's place of employment; correct?
6 A Yes.
7 Q And when you went there, you were recording him; right?
8 A Yes.
9 Q And when you went there, you puffed yourself to be a
10 wiseguy; correct?
11 A Yes.
12 Q Well, you told him, we're wiseguys; right?
13 A Yes.
14 Q And when you went there, you told Carmine Muscarella that
15 he had agreed to give you money; right?
16 A From the sale of the house, the property.
17 Q Right. That he had agreed to give you $5,000; right?
18 A I believe, yeah, it was 5,000. It might have been
19 10,000. I don't really recall that. At the wake.
20 Q You don't recall the initial conversation is what you're
21 saying?
22 A At the wake? No.
23 Q Right. And that one's not recorded; right?
24 A Right.
25 Q And when you speak to Mr. Asaro about this, you say how

1 much should I ask him for? Do you remember that conversation?
2 A Yes.
3 Q And he says, I don't know, 75-5; right?
4 A Yes.
5 Q And then you march into Carmine Muscarella's office and
6 you say, you promised to give me $5,000. Do you remember
7 that?
8 A Yes.
9 Q And Carmine Muscarella repeatedly says to you, no, I
10 didn't. Do you remember that?
11 A Yes.
12 Q He says it over and over and over again, I didn't promise
13 you anything, Gaspar; right?
14 A Yes.
15 Q And you close the door and you tell him you don't want to
16 get rough with him?
17 A I never said that.
18 Q You never said that? Did you indicate that? You want to
19 be a gentleman here?
20 A I said it was his office, I didn't want to get loud.
21 Q Okay. You were referencing the fact that you guys were
22 wiseguys; right?
23 A Yes, but I was there, no one else.
24 Q I understand that. It was you, at the FBI's direction --
25 A Correct.

1 Q -- recording Carmine Muscarella; right?
2 A Yes.
3 Q Now, Carmine Muscarella has nothing to do with organized
4 crime, does he?
5 A No.
6 Q He's just a working guy?
7 A Yes.
8 Q Right? So you're going in there, at the FBI's direction,
9 demanding $5,000 from him?
10 A Yes.
11 Q And at some point or another he says, let me talk to Vin,
12 I want to talk to Vin; right?
13 A Yes.
14 Q And he actually does want to talk to him and does speak
15 to him; right?
16 A Uh-huh.
17 Q And at the end of the day, you actually take a check from
18 Carmine Muscarella; correct?
19 A The following day.
20 Q I mean at the end of this transaction you take money from
21 Carmine Muscarella; correct?
22 A Yes.
23 Q You take a $3,000 check from him?
24 A Yes.
25 Q And you take it to the FBI and they copy it?

1 A Yes.
2 Q And then you cashed the check; right?
3 A Yes.
4 Q So Carmine Muscarella, who has nothing to do with this,
5 is now out $3,000; correct?
6 A What do you mean, he has nothing to do with it?
7 Q Well, I mean, he's not in the mob; right?
8 A Well, if he has nothing to do with it why would he give
9 me a check?
10 Q I'm asking you. You just said he was just a regular
11 working guy.
12 MS. ARGENTIERI: Objection.
13 THE COURT: Yes, please don't argue. Just ask
14 questions.
15 Q You just testified that Mr. Muscarella was just a regular
16 working guy; right?
17 A Yes.
18 Q You went in there and demanded money from him at the
19 FBI's direction; right?
20 A I didn't demand it.
21 Q What would you call it?
22 A I asked for it. And then he said that I'd never said
23 that -- that he never said it. And then I said -- listen to
24 the recording. There's no yelling or shouting or threatening
25 of any kind.

1 Q All right. But you got the money?
2 A I'm not a tough guy. You know, he's six foot, over 250
3 pounds. I was --
4 Q Fine. So it was an easy conversation and you got the
5 money; right?
6 A Absolutely, yes.
7 Q No yelling, no screaming, no demanding; right?
8 A No.
9 Q Just got the money; right?
10 A After the defendants walked in, yes.
11 Q Well, there was no yelling and screaming on that end so
12 far as you know either, was there?
13 A Not that I know of.
14 Q I'm going to show you what's been marked as Defendant's
15 Exhibit Number 5.
16 MS. MACEDONIO: May I inquire from here, Judge?
17 THE COURT: Yes.
18 Q Do you recognize that?
19 A Yes.
20 Q What do you recognize that to be?
21 A That's my uncle's cufflink that the defendant made a ring
22 from.
23 Q Okay. And when you say your uncle, are you speaking of
24 Jerome Asaro?
25 A Yes.

1 Q And is it a fact, Mr. Valenti, that a copy of this was
2 made for you?
3 A That's what I just said.
4 Q I thought you said he made it for himself.
5 A No.
6 Q So he made it for you?
7 A One for me and one for himself.
8 Q I'm going to go back there.
9 It's a pretty substantial gold ring; correct?
10 A Yes.
11 Q And do you know why Mr. Asaro made that for you?
12 A Because it was his father and he was very close to his
13 father and respected his father, and I did the same. We would
14 earn gifts.
15 Q So it was a gesture of love, fair to say?
16 A Yes, it was.
17 Q And what did you do with your copy of the ring?
18 A I hocked it.
19 Q And when Mr. Asaro, Jerome Asaro died in 1977, were you
20 given his car?
21 A Yes.
22 Q And you lost the car as well; right?
23 A Yes.
24 Q And that too was a gesture of love; right? He gave you
25 his father's car?

1 A Yes. What does my uncle have to do with --
2 Q I'm asking the questions.
3 Mr. Valenti, do you recall when your recordings were
4 about to end, when you were about to stop making recordings
5 for the FBI?
6 A The last recording?
7 Q Not the last recording, but you knew that the recordings
8 were going to stop; right?
9 A Yes.
10 Q You knew that it was likely that your cooperation was
11 about to be revealed; right?
12 A Yes.
13 Q And you made some phone calls that Father's Day; correct?
14 A I don't recall.
15 Q Do you recall calling Mr. Asaro and telling him how much
16 you loved him on Father's Day, just before the recordings were
17 about to stop?
18 A I really couldn't say unless you have something I
19 could....
20 Q Okay.
21 MS. ARGENTIERI: Judge, can we have a moment?
22 THE COURT: Yes.
23 (Pause.)
24 (Continued on the next page.)
25

1 (Sidebar conference.)
2 MS. MACEDONIO: Just subject to speaking to my
3 client before I sit down, I think I'm finished, so.... Okay?
4 MS. ARGENTIERI: Okay.
5 (End of sidebar conference.)
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1 (In open court.)
2 MS. MACEDONIO: Judge, I have no further questions.
3 THE COURT: Anything?
4 MS. ARGENTIERI: Just very briefly, Judge. I just
5 need the witness to be given a transcript binder.
6 THE COURT: Do you have one? Oh, is there one
7 there? Mr. Valenti, do you have a transcript binder?
8 THE WITNESS: I'm sorry. Is this the one I was
9 trying to get rid of?
10 THE COURT: Exactly, exactly.
11 REDIRECT EXAMINATION
12 BY MS. ARGENTIERI:
13 Q Mr. Valenti, you were just asked about a recording you
14 made of Carmine Muscarella; correct?
15 A Yes.
16 Q Now, we listened to those on direct. If you could turn
17 to Government Exhibit 201-T, that's the October 18th recording
18 that you made.
19 A Yes.
20 Q You testified that that was the first time you'd spoken
21 to the defendant in several years; correct?
22 A Yes.
23 Q And he'd reached out to you through Richie Curro?
24 A Yes.
25 Q If you could look at 202-T or, I'm sorry, 201-T, at line

1 21: "What happened over there with the house?" Line 26:
2 "With what's his name, down the hole by Dearie." Do you see
3 that?
4 MS. MACEDONIO: Objection, Judge.
5 A Yes.
6 MS. MACEDONIO: We did this on direct.
7 THE COURT: Let's go to sidebar.
8 (Continued on the next page.)
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1 (Sidebar conference.)
2 THE COURT: Does this relate to something that came
3 in on cross?
4 MS. ARGENTIERI: Yes. She suggested that it was --
5 she went over this entire predicate, this Carmine predicate.
6 I'm just requesting to bring out the fact that it was actually
7 the defendant's idea to go and get the money from Dearie.
8 THE COURT: Fine.
9 MS. MACEDONIO: Do you have to read the whole
10 transcript?
11 MS. ARGENTIERI: No, I'm not going to.
12 (End of sidebar conference.)
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1 (In open court.)
2 BY MS. ARGENTIERI:
3 Q Do you see that at lines 21 and 26?
4 A Yes.
5 Q Whose idea was it to go back to Carmine about the house?
6 A The defendant.
7 Q And then in the next recording, 202-T, you got
8 disconnected and you called him back?
9 A Yes.
10 Q Who told you to go to Carmine and get that money?
11 A The defendant.
12 Q And just so the record is clear, the conversations that
13 you had with Carmine about the house being sold at the wake,
14 do you remember that?
15 A Yes.
16 Q Was that years and years earlier?
17 A Yes.
18 Q Prior to your cooperation?
19 A Yes.
20 Q You also testified about an individual named Midge. Do
21 you remember that?
22 A Yes.
23 Q Who is Midge?
24 A He was a safecracker that hung out at Robert's Lounge.
25 Q And you said you testified at a trial for him; is that

1 right?
2 A Yes.
3 Q Now, did there come a time when the police came to your
4 house looking for something for Midge?
5 A Yes.
6 Q What happened?
7 A They searched my house. They -- they come with -- they
8 didn't have a warrant. They said, we can go and get a
9 warrant. And I wouldn't let them into my home. I had my --
10 you know, the kids were there and neighbors were outside.
11 And they posted a -- one guy in the back of the
12 house, another guy on the side of the house, and one guy left
13 supposedly to go get a warrant. And a little while passed and
14 I said, you know what, I'm having dinner. Let them in. Let
15 me let them in, let them do what they want. And they came in
16 and searched.
17 Q Now, on cross you were asked if that related to pills
18 that you were holding for Midge; is that right?
19 A Yes.
20 Q And were you holding pills for Midge?
21 A No.
22 MS. MACEDONIO: Objection. I didn't ask that.
23 THE COURT: I'm not entirely -- are you disputing
24 whether or not that was part of the cross-examination?
25 MS. MACEDONIO: Yes.

1 (Pause.)
2 Q In fact, were you holding something else for Midge?
3 A No.
4 Q What happened?
5 A They searched the house. They didn't find anything.
6 Q And then what were you -- what did you testify about at
7 the trial?
8 A These pills, they said that we had loaded into his car
9 from my house into his vehicle cases.
10 Q Who said that?
11 A At court.
12 Q Okay, so what happened at court?
13 A I testified that it didn't happen. They had said they
14 had pictures, but they didn't have the night vision, night
15 film in there. And they took pictures and they didn't have
16 it, nothing developed because they had day film.
17 Q So it was your understanding that agents had seen
18 something with you and Midge outside the house related to
19 pills; is that it?
20 A That's what they said.
21 Q And you testified about that at the trial?
22 A Yes.
23 Q Now, and what did you testify about at the trial? What
24 did you say?
25 A That there was nothing there. We were sitting on the

stoop, as far as I can remember.

Q Now, you were shown some notes and some reports. Do you remember that, sir?

A No.

Q On cross-examination today.

A Oh, yes.

Q Had you ever seen any of those notes before?

A No.

Q Had you ever seen any of those reports before?

A No.

Q Did anyone ask you to review them to see if they were accurate?

A No.

MS. ARGENTIERI: I have no further questions.

MS. MACEDONIO: Nothing further.

THE COURT: We'll take a brief break, ladies and gentlemen.

(Jury exits courtroom.)

(Continued on the next page.)

1 (In open court outside the presence of the jury.)
2 THE COURT: What's next?
3 MS. ARGENTIERI: Judge, we had brought those two
4 additional witnesses for today, but unfortunately, we don't
5 have any other ones. I think we'd been asked to bring one and
6 we brought two. I thought that Ms. Macedonio would be the
7 entire day because she was going to go through recordings.
8 THE COURT: In the future, will you stock up with
9 extra, extra witnesses?
10 MS. ARGENTIERI: I promise.
11 THE COURT: These hours are precious.
12 MS. ARGENTIERI: I totally agree, Judge. I'm sorry.
13 THE COURT: Okay. Can you get anyone else here?
14 Could you try?
15 MS. ARGENTIERI: If you give me a minute, Judge, I
16 can try.
17 (Pause.)
18 MS. ARGENTIERI: Judge, I don't think we can get
19 another witness here for today, but we can move in a bunch of
20 records that we have.
21 THE COURT: I would love to use the time.
22 MS. ARGENTIERI: We'll move in as many records as we
23 possibly can. Like I said, and I know that you can never
24 tell, but when we talked about it on Friday -- I know, I
25 just --

1 THE COURT: You can never tell. As far as I'm
2 concerned, if you've got five witnesses sitting in a room that
3 you don't get to call, too bad. We have a lot of jurors.
4 MS. ARGENTIERI: And I don't want them to sit there,
5 Judge, I really don't. So we can move in the records and
6 then -- I just don't have a witness I can get here. A lot
7 of --
8 THE COURT: I am assuming that you would use up the
9 time until 5:30. You have two witnesses and records?
10 MS. ARGENTIERI: No, we called the two witnesses
11 already. We took them out of order. I don't know what -- I
12 don't have anyone that I can get here in this moment. Most of
13 our witnesses for this week are traveling from out of town and
14 so, I mean --
15 THE COURT: You don't have anybody?
16 MS. COOLEY: Your Honor, we can call a witness who's
17 more local who wasn't prepared to testify today and see if
18 there's any way we could rearrange something. I can't
19 guarantee that she'll be available, but we could try.
20 THE COURT: Would you try?
21 MS. COOLEY: Absolutely.
22 THE COURT: Thank you. I really don't want to waste
23 these two hours.
24 MS. ARGENTIERI: I understand, Judge.
25 MS. COOLEY: Thank you.

(Pause.)

THE COURT: Do you have someone?

MS. COOLEY: We did find one.

MS. ARGENTIERI: I found a surveillance witness who's going to come in from Manhattan.

THE COURT: Okay. And between now and then, we can put documents in?

MS. ARGENTIERI: Yes. I just need to run over and get the surveillance records.

THE COURT: That's fine. How long will the surveillance witness be?

MS. ARGENTIERI: Twenty minutes to half an hour. And I'm trying to get a witness to follow up.

THE COURT: That would be great.

MS. FERRONE: Could you let the defense know what witness?

MS. ARGENTIERI: Jack Stubing.

(Pause.)

THE COURT: Ms. Macedonia, just out of curiosity, can witnesses like this be the subject of a stipulation, as far as you're concerned?

MS. MACEDONIO: I didn't hear you, Your Honor.

THE COURT: Can witnesses like the priest be the subject of a stipulation?

MS. MACEDONIO: To the extent one was sent to me,

1 sure.
2 THE COURT: I'm sorry?
3 MS. MACEDONIO: I was never sent one.
4 THE COURT: I understand that.
5 MS. MACEDONIO: In fairness, they did send us some
6 stipulations that I refused to sign. One was for a lot of
7 documents from Lufthansa, including the fact that Lufthansa
8 was robbed. I didn't think that was appropriate for me to
9 sign. They did send another stipulation with regard to the
10 Goldsoft robbery, which is similar.
11 As far as the DNA swab, I haven't seen it. The
12 government says that there is one. I'm happy to stipulate.
13 We don't need an expert --
14 THE COURT: I mean, to the extent that it can be
15 done --
16 MS. MACEDONIO: Sure.
17 THE COURT: -- I would really love to see more
18 stipulations.
19 MS. MACEDONIO: Maybe we'll regroup this afternoon
20 and see if there's some things we can stipulate to.
21 THE COURT: Thank you.
22 (Pause.)
23 THE COURT: Where is she?
24 MS. ARGENTIERI: She is printing out the materials
25 for the witness who's coming.

1 THE COURT: Doesn't she have anyone to help her?
2 MS. ARGENTIERI: We have -- she needs a copy and the
3 witness needs a copy, and she's the one who -- it's her
4 witness. She had it on her materials or on her computer. We
5 have everything else here. We need to put in videos through
6 him, a board and other photos through him, and all that is
7 here. I'm sorry, Your Honor.
8 THE COURT: We're going to have to work this out.
9 (Continued on the next page.)
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(Sidebar conference.)

MS. MACEDONIO: So it's my understanding -- we can talk loud, there's nobody here -- that the government wants to call a witness who hasn't initialed the actual CD that they're about to play. So in the interests of time, without having to have him sit and review this particular CD, I think we can have him view it and then --

THE COURT: Admit it subject to connection, and then if that's a problem later we'll deal with it.

MS. MACEDONIO: Right.

THE COURT: That's fine.

(Pause.)

MS. ARGENTIERI: I misunderstood our paralegal. I thought she said it wasn't signed by the witness. It was, but the problem is it just takes a long time to play. So she just wants to get it queued up, and you can see that he signed it. Instead of going through the motions of showing it to him and saying, do you recognize it?

THE COURT: That's fine.

(End of sidebar conference.)

(In open court.)

MS. COOLEY: Your Honor, if this works for the defense and you, we can bring the jury back in and we can begin with the records.

THE COURT: Yes, that works just fine. Is that all right with you, Ms. Macedonio? Okay, we're bringing in the jury.

MS. COOLEY: Thank you, Judge.

THE COURT: And the defendant.

(Pause.)

(Jury enters courtroom.)

THE COURT: Please be seated. Ms. Cooley.

MS. COOLEY: Yes, Your Honor, at this time the government is going to offer in evidence a series of public records, and Ms. Gerdes will be doing that.

MS. GERDES: Your Honor, I don't believe there's any objection from the defense, so at this time I'll read the exhibit numbers off first for the record. These are Government Exhibit 431 through 433, 445, 449 through 453, 455, 458 through 460, 462A, 462B, and 465 through 466. The government would move to admit that series of exhibits.

MS. MACEDONIO: No objection, Your Honor.

THE COURT: Admitted.

(Government Exhibit 431 through 433, 445, 449 through 453, 455, 458 through 460, 462A, 462B, and 465 through

1 466 received in evidence.)
2 MS. GERDES: Now I'll read them into the record.
3 Beginning with Government Exhibit 431, the birth certificate
4 for Jerome Vincent Asaro. Father's full name Vincent Angelo
5 Asaro, mother's name Theresa Mary Myler. Date of birth March
6 30th, 1958.
7 Government Exhibit 432, birth certificate for
8 Vincenzo Asaro, mother's marriage name Josephine Asaro,
9 mother's maiden name Josephine Valenti, father's name Jerome
10 Asaro, date of birth March 4th, 1935. And the address for
11 Jerome Asaro is 1481 Blake Avenue.
12 Government Exhibit 433, birth certificate for
13 Catherine Marie Burke, father's name James Joseph Burke,
14 mother's name Frances Lorraine D-i-z-i-n-n-o last name, date
15 of birth January 15th of 1958.
16 Next is Government Exhibit 434, certificate of birth
17 for Francis James Burke, father's name James Joseph Burke,
18 mother's name Frances Lorraine and the spelling that I just
19 read into the record, D-i-z-i-n-n-o. Date of birth here is
20 June 29th of 1959.
21 Government Exhibit 435, certificate of birth for
22 Jessie James Burke, parents Frances Lorraine D-i-z-i-n-n-o,
23 father's name James Joseph Burke. And the date of birth for
24 Jessie James Burke is November 17th of 1970.
25 Government Exhibit 436, certificate of birth for

1 Robina Burke, father's name James Joseph Burke, mother's name
2 Frances Lorraine Dizinno. Date of birth for Robina is
3 September 27 of 1961.
4 Government Exhibit 437. This is the birth
5 certificate for Gaspar Ferreri, Jr., father's name Gaspar
6 Ferreri, Sr., listing a place of business John Gallo Auto,
7 mother's name Mary Gallo. Date of birth for Gaspar Ferreri,
8 Jr. is February 18th of 1953.
9 Government Exhibit 438, birth certificate for
10 Gasparo Ferreri, mother's name Lina Ferreri, mother's name
11 Lina Valenti, father's name spelled F-i-l-i-p-p-o
12 F-e-r-r-e-r-i, and lists the father's address at 1483 Blake
13 Avenue. And Gasparo's date of birth is November 27th of 1927.
14 Government Exhibit 439, the birth certificate of
15 Robert Philip Giallanzo, lists his father as Richard
16 Giallanzo, mother as Anita Asaro. And Robert Giallanzo's date
17 of birth is August 4th of 1955.
18 Government Exhibit 440, certificate of birth for
19 Ronald Giallanzo. It lists his mother as Anita Asaro, father
20 as Richard Giallanzo, and a date of birth of June 9th of 1970.
21 Government Exhibit 441, Ilsa Katz. It lists her
22 father's name as Paul Katz, mother's name as Delores Cross,
23 and a date of birth of June 25th of 1960. It lists Paul
24 Katz's occupation as a counterman.
25 (Continued on the next page.)

1 MS. GERDES: Government Exhibit 442, this is the
2 birth certificate for Lawrence Katz. Father is Paul Katz,
3 mother is Delores Cross, and the date of birth here is
4 January 9 of 1964, and it lists the occupation of Paul Katz
5 as a warehouseman.
6 Government Exhibit 443, birth certificate for Debra
7 Ann Katz. It lists her father's name as Archie Katz, it
8 lists his occupation as a mechanic in linoleum. Mother's
9 name, Pearl Lerner. And the date of birth for Debra Katz
10 October 28 of 1948.
11 Government Exhibit 44, birth certificate for Gaspar
12 Anthony Valenti. It lists his father as Anthony Valenti,
13 trade or profession as plasterer, industry buildings. Mother
14 is listed as Josephine Ferrari. And Gaspar Anthony Valenti's
15 date of birth is January 10, 1947. It lists an address for
16 the mother as 1483 Blake Avenue.
17 This is Government Exhibit 447, a birth certificate
18 for Josephine Valenti. Father's name, Gaspar Valenti;
19 mother's name -- last name is Valenti also; date of birth
20 here -- here it is, sorry, November 23 of 1908.
21 Government Exhibit 449, this is the birth
22 certificate for Girolanio Vitta. Mother's name, Frances
23 Vitta; mother's maiden name, Frances Rizzo. Father's last
24 name also Vitta. And a date of birth of June 25 of 1927.
25 This is a birth certificate for Rose Vitta,

1 Government Exhibit 450. One second. Hold on. And Rose
2 Vitta's date of birth is January 10 of 1921. And, again, it
3 lists her mother's last name as Vitta, her mother's maiden
4 name as Rizzo.
5 Government Exhibit 451, the birth certificate for
6 John Nicholas Zaffarano, born on February 24, 1958. Father,
7 Michael Zaffarano, it lists his occupation as a manufacturer;
8 mother, Rosalie Asaro.
9 Government Exhibit 452, this is a death certificate
10 for Jerome Asaro. Surviving spouse was Josephine Valenti and
11 date of death was July 22 of 1977. It also lists his
12 occupation as a fence company, self-employed.
13 Government Exhibit 453, the death certificate for
14 Philip Calfa. His date of death was April 7 of 1994.
15 Government Exhibit 455, this is the death
16 certificate for Paul Katz. It lists his date of birth as
17 March 2 of 1941, and this is certified by the medical
18 examiner, Dr. Jason Graham.
19 Government Exhibit 458, this is the death
20 certificate for Anthony Charles Valenti. It lists his address
21 at 1483 Blake Avenue and his date of death as September 18 of
22 1969. It lists the surviving spouse as Josephine Ferrari.
23 Government Exhibit 459, the certificate of death for
24 Michael Zaffarano. His approximate age at death was 57 years
25 old and it lists his date of death as February 14 of 1980.

His surviving spouse is Rosalie Asaro.

Government Exhibit 460, this is the death certificate for Thomas Valenti. It lists his date of death as November 28 of 2006, it lists his occupation as a construction worker, and his address as 698 Drew Street.

Government Exhibit 462-A, this is a marriage certificate of Alexander Owechko to Rose Signoretti. Rose's parents were Jerome Vitta and Frances Rizzo. I'll also read into the record it says the name of her former husband was Vincent Signoretti.

Government Exhibit 462-B, this is a marriage certificate between Edward Dean and Rose Owechko. It lists Rose Owechko's parents as Jerome Vitta and Frances Rizzo. It also lists her as having been previously married to Alexander Owechko, who passed away.

Government Exhibit 465, this is the marriage certificate between Vincent Angelo Asaro and Theresa Mary Milar.

Last but not least, Government Exhibit 466, the death certificate of Daniel Rizzo. Mr. Rizzo's date of birth was March 16 of 1944 -- excuse me, certificate of birth. His date of birth was March 16 of 1944; parents, Augustov Rizzo and mother Millie Tartegno.

MS. COOLEY: Thank you, your Honor. The Government as its next witness will call Special Agent Jack Stubing. I

1 believe he's right outside. I'll go check on that, your
2 Honor. Thank you.
3 (Pause in proceedings.)
4 MS. COOLEY: Judge, the Government calls Jack
5 Stubing.
6 (Witness sworn.)
7 THE CLERK: Please state and spell your name for the
8 record.
9 THE WITNESS: John, L-O-U-I-S, S-T-U-B-I-N-G.
10 THE CLERK: Please have a seat.
11 THE COURT: Go ahead.
12 JOHN L. STUBING ,
13 having been duly sworn, was examined and testified
14 as follows:
15 DIRECT EXAMINATION
16 BY MS. ARGENTIERI:
17 Q Sir, are you currently employed?
18 A Yes, I am.
19 Q Where do you work?
20 A I'm a contract investigator at the Federal Bureau of
21 Investigation in New York's Manhattan office.
22 Q And what do you do there?
23 A I do financial investigations for the purposes of
24 identifying assets for forfeiture.
25 Q And prior to that, where did you work?

1 A At the FBI in New York. I was a special agent.
2 Q And when did you first join the FBI?
3 A 1977.
4 Q In what office?
5 A Our headquarters in Washington, D.C.
6 Q And did you eventually come to the New York office?
7 A Yes, in 1986.
8 Q And when you joined the New York office in 1986, where
9 were you assigned?
10 A Initially, I was assigned to the applicant squad, then I
11 was transferred to the organized crime branch.
12 Q When was that?
13 A In 1987.
14 Q And once you were assigned to the organized crime branch,
15 what squad were you assigned to?
16 A The squad designated as C-10. It was responsible for
17 investigations of the Bonanno family.
18 Q And as part of your investigation into the Bonanno crime
19 family, did you conduct surveillances with other agents?
20 A Yes.
21 Q Have you reviewed certain of those surveillances prior to
22 your testimony today?
23 A Yes.
24 Q Now, when you conducted those surveillances, did you and
25 other agents write reports of what you observed?

1 A Yes.
2 Q And, also, in some cases take photographs?
3 A Photographs were taken by agents. I didn't usually take
4 photographs myself.
5 Q But my question was: Were photographs taken?
6 A Yes.
7 Q And have you reviewed those reports prior to your
8 testimony here today?
9 A Yes.
10 Q And were they accurate?
11 A Yes.
12 Q As you sit here today, will you remember every detail of
13 every surveillance?
14 A I doubt it.
15 Q Would it aid in your testimony to refer to your reports?
16 A Yes.
17 MS. ARGENTIERI: Judge, may I approach?
18 I'm showing the witness 3500-JS-1 through 5.
19 Q Directing your attention to December 7, 1989, were you
20 assigned to Squad C-10 at that time?
21 A I was.
22 Q And on that day, what was your specific assignment?
23 A I was assisting a surveillance of a social club on Myrtle
24 Avenue in Queens.
25 Q And what was the address of the social club?

A Am I allowed to look?
Q Yes.
MS. ARGENTIERI: Judge, I ask that the witness be able to refer to the report as a past recollection reported.
MS. MACEDONIO: Fine, Judge.
THE COURT: Admitted.
MS. ARGENTIERI: For the five reports that he has; is that okay?
MS. MACEDONIO: Uh-huh.
(Government Exhibits 3500-JS-1 through 5 so marked.)
A The address was 88-64 Myrtle Avenue.
Q And at what time did you set up your surveillance?
A On that day, at 12:27 p.m.
Q Can you describe what that social club looked like, where was it located?
A It was on the second floor of a commercial building. The lower floor had some sort of -- I don't know if it was a tile store. They sold kitchen cabinets and things for remodeling kitchens, as I recall. Up there, the club itself was located on the second floor, assessable by a stairway next to this retail store that sold the kitchen items.
Q When you were conducting surveillances from that location, where did you typically set up?
A On the street in cars where we could find a space without arousing suspicion.

1 Q Directing your attention to 2:07 p.m. on the log, what
2 happened then?
3 A An individual by the name of Gaspar Cammarata arrived and
4 entered the premises at 88-64 Myrtle Avenue.
5 Q Were you familiar with a nickname for Gaspar Cammarata?
6 A I believe he was known as "Skin."
7 Q Directing your attention to 2:22 p.m. what happened then?
8 A An individual named Peter Rosa arrived, and he also
9 entered the building.
10 Q Turning to the next, page 2, at 3:04, what happened?
11 A At 32:04 an individual names James Glante arrived and he
12 also entered the premises.
13 Q A little further down the page, at 3:28 p.m. what
14 happened?
15 A At 3:28, Anthony Graziano and a white male wearing a
16 denim jacket arrived and entered the premises.
17 Q Turning to Page 4 of the log, at 4:24 p.m. what happened?
18 A At 4:24, five people, including James Tartaglione, Vito
19 Grimaldi, and John Faraci arrived along with two individuals
20 who were carrying small white boxes, and they all appeared to
21 enter the premises.
22 Q And then at 4:47 p.m., what happened?
23 A Louie Restivo parked his car and entered the premises, as
24 well as Anthony Urso.
25 Q Turning to page 6, at 5:34 p.m. what happened?

A John Joseph Chilli, Jr., Anthony Spero, and Frank Porco arrived and entered the premises.

Q At 5:40 p.m., what happened?

A 5:40 p.m., Vincent Asaro arrived and entered the premises.

Q Does it indicate on the log video next to that entry, at the end of that entry, about Vincent Asaro?

A Yes, it does, correct.

Q And at 5:58 p.m. what happened?

A 5:58, Peter Rosa and Anthony Urso exited a vehicle and entered the premises.

MS. ARGENTIERI: Just showing the witness something, Judge, Government Exhibit 663-A through G.

I'm hearing that 663-H, which is a video which was initialed by the defendant during his preparation, the defense has no objection to it coming in, because it takes a while to looked on the computer; is that correct?

MS. MACEDONIO: Uh-huh.

MS. ARGENTIERI: Maybe we can move all of these in.

THE COURT: Any problem? Admitted.

MS. ARGENTIERI: Thank you.

(Government Exhibits 663-A through H so marked.)

Q And, so, I'm showing you 663-A. Do you see these?

A I do.

Q You've previously reviewed them?

A I have.

MS. ARGENTIERI: Judge, I believe we moved to admit them and we'll publish them to the jury.

THE COURT: They've been admitted and you can publish them.

Q Sir, looking at 663-A, can you describe where this would be in relation to the club?

A I don't recall. I would assume it was down the street. I really don't recall from looking at the background there.

Q And in 663-A, who is that?

A James Tartaglione.

Q 663-B?

A That's Gaspar Cammarata.

Q And can you identify in this photo where the entrance to the club is?

A It's, I believe, where that globe-shaped light is, the doorway immediately to the right of that globe-shaped light.

Q Indicating right here?

A Correct.

Q The doorway to the right of the globe-shaped light?

A As I recall, yes.

Q 663-C?

A I believe that's Vincent D'Antoni.

Q Did he have a nickname?

A I think he was known as Vinny the Dye Maker.

1 Q 66-D?
2 A That's James Glante.
3 Q And where is he going in this photo?
4 A He's going to the premises.
5 Q 66-E?
6 A That's Anthony Graziano.
7 Q 66-F?
8 A That's Vito Grimaldi.
9 Q 66-G?
10 A The gentleman on the right is James Cammarano -- we
11 called him "Junior" because his father James Cammarano, Sr.,
12 was also associated with the family. He's not truly a junior,
13 he has a different middle initial, but we called him James
14 Cammarano, Jr. The gentleman with the mustache I don't know
15 that we ever identified.
16 Q I'd like to now show you the video that's 663-H. As
17 we're watching it, what does it show?
18 A It shows the doorway to the premises at 88-64 Myrtle
19 Avenue.
20 Q Stopping it right there, did you recognize one of those
21 individuals?
22 A The first gentleman that went in was Vincent Asaro.
23 Q Do you see him seated anywhere in the courtroom today?
24 A I do.
25 Q Can you indicate him, please?

A He's the gentleman at the table over there wearing an open-necked blue shirt with what looks like a very dark blue or black sweater.

THE COURT: Indicating the defendant.

MS. ARGENTIERI: Thank you, Judge.

Q Now directing your attention to January 4 of 1990, what was your specific assignment that day? This is JS-2.

A I was also assigned to a surveillance on that day.

Q And on that day, if you look at Page 1 of the log, were photographs taken or was it just a physical surveillance?

A The box for photographs was not checked off.

Q Indicating that photographs were not taken that day?

A Correct.

Q When did you initiate your surveillance that day?

A At 2 p.m.

Q Directing your attention to 2:57 p.m., what does the log indicate happened?

A That Peter Rosa arrived driving a Buick with a particular license plate and entering the club at 88-64 Myrtle Avenue.

Q And just below that at 3:24 p.m. what does the log indicate happened?

A That Junior Chilli arrived with Anthony Spero, apparently driven by Frank Porco. And Junior and Anthony Spero entered the club, and Porco entered shortly thereafter.

Q Directing your attention to the next page at the top, at

1 approximately 3:36 p.m., what does the log indicate happened?
2 A That Vincent Asaro arrived in a vehicle and entered the
3 club.
4 Q What was the license plate of the vehicle he was in?
5 A Y, as in Yankee; A, as in apple; L, as in Lima; 957.
6 Q Directing your attention a little below that, at
7 3:47 p.m. what does the log indicate happen?
8 A Unidentified white male with a white bag entered the
9 club. Junior Chilli, Anthony Spero, and unidentified male
10 exited the club. Vincent Asaro exited the club. Junior
11 Chilli and Anthony Spero conversed with Sal Vitale at the
12 corner of 89th and Myrtle.
13 Q So according to the log, the defendant was in the club
14 for, like, 11 minutes?
15 A It would the appear so, yes.
16 Q And when did you terminate your surveillance that day?
17 A At 12:21 -- it says mistakenly p.m. It was 12:21 a.m.
18 Q Now, when you conducted surveillances, did you and other
19 agents run the license plates of the cars you observed?
20 A Yes.
21 Q And on that day, did you run the license plates of cars
22 that were observed that day?
23 A If the plate was not previously known to us, yeah, we
24 usually did. They're attached as appendages to the written
25 surveillance log showing what the DMV checks reveal.

Q Turning to Page 15 of your report, was there a car registered to Gaspar Cammarata that was observed that day?
A Yes, there was.
Q Now, you said the defendant arrived in a car, YAL957. Directing your attention to Page 17 at the top, did you run the plate for that car?
A Yes.
Q And who did it come back to?
A Renee Loaiocono.
Q At what address?
A 938 Chestnut Street, Franklin Square, New York.
Q Turning to Page 22, did a license plate come back to Anthony Urso?
A Yes, it did.
Q Turning to Page 26, did a license plate come back to Thomas DiFiore?
A Yes, it did.
Q At what address?
A 31 Dryden Way in Commack, New York.
Q At some point did the location of the social club change?
A Yes, it did.
Q What, if any, efforts did you and other FBI agents make to force the club to move?
A We wanted them to go over to this other club that they were utilizing that we were pretty sure they didn't know we

1 were aware of. So, we became very obvious and overt in our
2 surveillance efforts at the Myrtle Avenue club in an effort to
3 basically drive them out of there and go to the club located
4 elsewhere.
5 Q Did that work?
6 A Yes.
7 Q And what was better about the other club that they moved
8 to in terms of surveillance purposes?
9 A We had managed to secure an apartment across the street
10 from the social club that we were able to enter covertly and
11 observe what was going on without having to sit in vehicles in
12 the neighborhood.
13 Q Directing your attention JS -- 3500-JS-3, directing your
14 attention to June 6, 1991, did you participate in a
15 surveillance that day?
16 A Yes.
17 Q And what was the address of that surveillance?
18 A 696 Grand Avenue in Maspeth.
19 Q Is that the location of the club you were just speaking
20 about?
21 A Yes.
22 Q At approximately what time did you initiate your
23 surveillance that day?
24 A At 12:42 p.m.
25 Q And when you were performing surveillance on this club,

1 what did the area around the club look like?
2 A Well, from our vantage point from directly across the
3 street, to the left of where the club was accessed was the
4 Maspeth Public Library, then there was a driveway up which the
5 people who habituated the social club went up to a building in
6 the rear, and to the right of that driveway was a law office.
7 Q And how many surveillances would you say you conducted at
8 that club?
9 A We were there for -- I think we were there from some time
10 in mid 19 -- well, yeah, from 1991 to early 1992 for sure,
11 about a year and a half.
12 Q Did you observed individuals meeting sort of in that
13 passageway?
14 A Yes.
15 Q So on this day -- I'm going to direct your attention to
16 Page 2 at 2:18. What does the log indicate happened?
17 A I'm sorry, 14:18?
18 Q Yes, please.
19 A I can't read this one, the first entry. At 14:18,
20 someone exits the club, but I can't read this copy very well.
21 The second entry at that time was Sal Vitale, Peter Rosa,
22 Peter Cosoleto, and Jimmy Glante all arrived at the club and
23 stood outside and talked. Anthony Urso was also seen to
24 arrive at that time.
25 Q And then at 14:21?

1 A 14:21 Micky Cardello arrived and talked with Peter Rosa.
2 Q I'm directing your attention to Page 8 at 16:57, near the
3 bottom of the page. What happened then?
4 A Vinny Asaro arrived. Looks like it says that he kissed
5 people outside and a photo was taken of him.
6 Q And was there also a phone located somewhere outside the
7 club?
8 A Yes, there was, in front of the library.
9 Q Did you observe people using that phone who were using
10 the club?
11 A Yes. In fact, we had a dedicated camera aimed at that
12 photo to try to develop probable cause to get Title III
13 coverage for the phone.
14 Q And, so, at 16:59, what does the log indicate happened?
15 Just two below what you just read.
16 A This is very difficult to read. It looks like it says:
17 Basciano back on phone.
18 Q Was there a Vincent Basciano?
19 A Yes, there was.
20 Q Directing your attention to the next page, at 17:16 what
21 does the log indicate happened?
22 A 17:16, Sal Vitale came out of the club with Vincent
23 Asaro. They were followed by -- looks like Joe Bonanno,
24 Anthony Urso, and this log says V. Restivo, which is a
25 misidentification. There was a person that we thought was

1 Vincent Restivo's son but it turned out not to be, but he was
2 reflected in many logs as Vincent Restivo.
3 Q Directing your attention to Page 12, the fourth entry
4 from the top, what does the log indicate happened?
5 A Vincent Asaro exited the club, he kissed Urso and talked
6 to Urso in the lower part of the alley while an unidentified
7 white male listened to their conversation.
8 Q And just below that, at 18:35 what happened?
9 A Asaro and the unidentified white male departed the area
10 going west on Grand Street -- Grand Avenue, rather.
11 Q And if you go to page -- the second page of that exhibit,
12 does it indicate that photos were taken that you reviewed
13 prior to your testimony here today?
14 A Oh, the log, you mean? Yes, photos were taken that day.
15 MS. ARGENTIERI: Judge, may I show photos just to
16 the witness?
17 THE COURT: Yes.
18 Q Showing you 630-A, B, C, D, and E, were those all
19 photographs that were taken on that day?
20 A Yes.
21 MS. ARGENTIERI: I move to admit.
22 MS. MACEDONIO: No objection.
23 THE COURT: Admitted.
24 (Government Exhibits 630-A through E so marked.)
25 MS. ARGENTIERI: Can I publish that?

THE COURT: Yes.

(Exhibit published to jury.)

Q Government Exhibit 630-A, who is that a photograph of?

A The gentleman on the left in white shirt is John Palazzolo. The gentleman on the right in the sweater is Frankie Lino.

Q 630-C, who is in this photograph?

A Vincent Asaro is on the left in the light colored shirt and the pleated pants, and he appears to be speaking with Louis Mele, who has a glass in one hand and a cigar in the other.

Q 630-B, what can you see in this photograph?

A The gentleman with the -- if the foreground with the bald head and the tattoo on the right forearm Armando Rea. I can't recall the name of the gentleman next to him wearing the blue jacket.

Q Is it too hard to see on the Elmo? Should I bring it to you?

A Yeah.

MS. ARGENTIERI: Judge, may I approach?

THE COURT: Yes.

Q If you can tell us whether you can identify anyone in the background in this picture using a article of clothing or identifying them based on what they're wearing?

A Can you show the background up there?

1 Q I think you have the only copy.
2 A Sorry. There's -- I'll describe it so when you put it
3 up...
4 There's a doorway on the right-hand side further up
5 the alley. There's some gentleman sitting on the stoop of the
6 doorway with a couple of people with their back to us, and
7 they appear to be Louis Mele and Vincent Asaro having moved up
8 the driveway.
9 Q Maybe I could put it back on the Elmo. Thank you.
10 So, could you just touch on your screen what you
11 were referring to?
12 A That's Louis Mele, that's Vincent Asaro.
13 Q And when you say they "moved up the driveway," what was
14 in that direction?
15 A That was where the social club itself was located. As
16 you can see where that fence is where Armando Rea is standing,
17 that's the beginning of the property of the Public Library.
18 The back, where the gentleman with the white baseball cap is
19 seated, the person wearing the baseball cap is Anthony Urso.
20 Q You're saying right here?
21 A That's correct. His back is to the building in which the
22 law office was located.
23 Q That's here?
24 A Correct. And there's a driveway in between those two
25 pieces of property, and the social club was located as you

1 walk further away from the foreground to the back and out
2 building.
3 Q Meaning like down this alleyway here?
4 A Correct.
5 Q 630-D, now you just testified that the person in the
6 baseball cap is who?
7 A That's Anthony Urso.
8 Q Do you know any of the individuals in the foreground?
9 A The individual with his back to us with hands in his
10 pocket is, once again, Armando Rea. The man who has his hand
11 up to his mouth like he has a toothpick or a cigarette is
12 Vincent D'Antoni. The other two gentlemen I don't recall.
13 MS. ARGENTIERI: Judge, I just realized we had the
14 forethought made a board of this. 630-1 is basically the
15 series of photographs we just looked at.
16 THE COURT: Fine.
17 MS. ARGENTIERI: Mr. Stubing, could you step down
18 and indicate on the board?
19 I offer it, Judge.
20 MS. MACEDONIO: No objection.
21 THE COURT: Admitted.
22 (Government Exhibit 630-1 so marked.)
23 Q Can everyone see?
24 Looking first at this top photo, 630-C, do you see
25 that?

A Yes.
Q Can you indicate who you identified in this photo?
A This is Vincent Asaro and this is Louis Mele.
Q Could you put this under Vincent Asaro, please?
A (Complies.)
Q Can you put this under Louis Mele, please?
A (Complies.)
Q This is the alleyway you were talking about?
A Yes. There's a doorway here in this building in the back at the end of this driveway, and this is the actual entrance to the social club.
Q Now, looking at 630-B, this is the photograph you looked at while on the stand. Who can you identify in this photo?
A This is Vincent Asaro.
Q And then who else do you see in this picture?
A This is Louis Mele in the striped shirt.
Q And looking at the foreground of 630-B, is there anyone else you can identify?
A Yes. This is Armando Rea.
Q Looking at 630-A, who is in that photo?
A This is John Palazzolo on the left and this is Frank Lino in the blue sweater.
Q Moving across to 630-D, who can you identify in this photograph?
A In the white ball cap sitting on the stoop is Anthony

1 Urso.
2 Q Anyone else?
3 A This is Armando Rea, I believe this is Vincent D'Antoni
4 any.
5 Q Indicating the gentleman with the hand to his mouth?
6 A To his face, yeah, this gentleman here with the watch.
7 Q And looking at 630-E, who can you identify in this
8 photograph?
9 A Just Anthony Urso here in the white baseball cap again.
10 Can I go back?
11 Q Yes, thank you.
12 MS. ARGENTIERI: I'll just move this so the defense
13 can see.
14 Q Sir, directing your attention to 3500-JS-4, where did you
15 conduct surveillance on July 11, 1991?
16 A Sorry.
17 Q No problem.
18 A Once again, we're at the social club on Grand Avenue.
19 Q That's the social club you were just describing?
20 A That's correct.
21 Q Now, what time did you initiate your surveillance that
22 day according to the log?
23 A 12:43 p.m. -- sorry, 12:13 p.m.
24 Q And what day of the week was it? Does it indicate on the
25 top right-hand corner?

A Looks like a Thursday.
Q Did you often surveil this club on a Thursday?
A Almost always, yes.
Q Why was that?
A Because they generally -- the people that frequented the social club usually ordered in a meal and they all sat down together and had a meal.
Q Now on this day, directing your attention to Page 3, at 15:48 p.m., what happened according to the log?
A At 15:48, D'Antoni arrived and he came through the back gate and entered the club.
Q And then a little lower than that, 16:00, what happened?
A At 16:00 Gaspar Cammarata came into the club.
Q And then at 16 -- it either says 10 or 16?
A Okay. DeSimone and unsub in mouth of valley, which is how we used to refer to the sidewalk area at the beginning of the driveway.
Q Now, turning your attention to Page 4, at 16:36 what does the log indicate happened?
A It says Sanzo, Jr. And Sanzo, Sr. And an unknown -- unidentified white male arrived at the club and entered it.
Q Was that shorthand for something?
A Yeah. For some reason, the -- as I alluded to before, Joseph Cammarano and his father both frequented the club and the father's street name was Joe Saunders, and somehow it got

1 corrupted to Sanzo. So, in a lot of logs the father appears
2 as Sanzo, Sr. And the son appears as Sanzo, Jr. That's who
3 it's referring, to the father and son Cammarano.
4 Q That was your agent shorthand for referring to those two
5 individuals?
6 A Correct.
7 Q Just below that at 16:37 -- so at 16:36, Sanzo, Sr. And
8 Jr. Arrived with someone else. And at 16:37, what happened?
9 A Tartaglione and Barbieri arrived and entered the club.
10 That's a reference to what James Tartaglione and Generoso
11 Barbieri.
12 Q At 16:42 what happened?
13 A At 16:42, Armando Rea arrived and entered the club.
14 Q 16:49, on the top of Page 5?
15 A Vito Grimaldi returned, entered the club. Looks like it
16 says Basciano exits club, goes to parking lot via rear gate.
17 Q Finally, Page 6 at 17:25, what happened?
18 A There was a food delivery with one unidentified white
19 male, car observed with the name Conos in the side windows.
20 The unidentified white male made several trips into the club
21 with food.
22 Q Now, at 17:45 on Page 7, what happened?
23 A 17:45, a white male believed to be Vinny Asaro goes up
24 the alley into the club.
25 Q And at 17:58, what happened?

A At 17:58, Joseph Bonanno returned to the club, went through the back gate with the unidentified male who arrived at 17:51.

Q Is it fair to say they were at some times coming in and out of the club, there was a lot of activity?

A Absolutely.

Q At 18:26 on Page 8, what happened according to the log?

A 18:26, John Faraci his driver exited. Carmine Peluso and Joe Bonanno kissed Faraci, shook hands with the driver. Faraci and the driver departed east on Grand Avenue.

Q And just two entries down, at 18:50 what does the log indicate happened?

A At 18:50 an unidentified white male in a blue shirt entered the club with a book in his hand. The gentleman who was the manager of the club, who we described in the log as the manager of the club, entered the club via the fence gate. Vinny Asaro exited the club, went east on Grand, and departed in a vehicle.

Q And what was the tag of that vehicle?

A This looks like it says 3 Lincoln Yankee 928.

Q And what happened at 18:55?

A 18:55 Armando Rea exited the club, he walked east on Grand. Carmine Peluso and Joe Bonanno remained talking in front of the law office, which would be that building to the right of the driveway that I indicated earlier.

1 Q Turning to the next page, directing your attention to
2 2010, which is the fourth entry from the bottom, what does the
3 log indicate happened?
4 A Tommy DiFiore exits club along with an unidentified white
5 male who went in at 20:08. He walked west on Grand and
6 departed in a vehicle. The individual that we identified as
7 the manager went back into the club via the fence gate.
8 Q What was the tag for the vehicle that Tommy DiFiore
9 departed in?
10 A Looks like X as in X-ray, G as in golf, Y as in Yankee
11 236.
12 Q Now, just below that, at 20:12 what does it indicate
13 happened?
14 A At 2012, Thomas DiFiore was observed putting a shoebox in
15 white plastic bags, walking away from a car and entering a
16 club. An unidentified white female in the car with two young
17 children was in a vehicle bearing registration X as in X-ray,
18 G as in Golf, Y as in Yankee -- looks like 236. Part of it is
19 cut off here.
20 Q And then at 20:36, what happened? At Page 10.
21 A At 20:36, DiFiore, James Glante, James Tartaglione were
22 observed. Glante was observed with the shoebox that DiFiore
23 had earlier. All exit the club while the manager brought out
24 the garbage. DiFiore, Glante, and Tartaglione talked in the
25 alley.

1 Q When does the log indicate the club is lights out?
2 A At 20:45.
3 Q And you said you took at times surveillance tags down?
4 A Yes.
5 Q And did you and others do that during this surveillance?
6 A Yes, we did.
7 Q If you could look at the back, turning your attention to
8 the bottom of Page 13, the car that you referenced earlier,
9 3LY928, who is that registered to?
10 A Theresa M. Asaro.
11 Q In what town?
12 A Moriches, New York.
13 Q And then on the next page, the car you referenced with
14 regard to Thomas DiFiore, XGY236, who was that registered to?
15 A Thomas DiFiore.
16 Q In what town?
17 A In Commack.
18 Q Now, directing your attention to February 27 of 1992,
19 what did you do that day?
20 A February 27?
21 Q Yes.
22 A We decided to execute search warrants on the club itself
23 and on certain individuals and some vehicles connected with
24 the club because it was a Thursday night and we thought we
25 would get the maximum number of people there as they were

1 sitting down for their meal.
2 Q Were those Court-authorized search warrants?
3 A Yes, they were.
4 Q And did you help to execute those search warrants?
5 A Yes.
6 Q I'd now like to show you what's been marked for
7 identification as 634-A through C?
8 MS. ARGENTIERI: I'm sorry, I'm just showing this
9 witness 634-A and C, for the record.
10 Q Do you recognize those, sir?
11 A I do.
12 Q What are they photographs of?
13 A They were photographs of the interior of the club taken
14 of the interior of the club the night of the execution of the
15 search warrant.
16 Q And what was the purpose of the search?
17 A To gather additional evidence of criminal activity.
18 Q To identify the people inside?
19 A Yes, we identified them, but for the most part we knew
20 who they were.
21 Q And when you executed the search warrant at the club, was
22 the defendant inside?
23 A No, he was not.
24 Q Showing you 634-A, what is that a photo of?
25 A That's a photo of several individuals seated around a

1 table and surrounded by FBI agents.
2 Q Now, at the time that you executed the search warrant,
3 what were the individuals inside doing?
4 A They were eating and talking among themselves. They
5 weren't necessarily seated in the positions that you see them
6 there in that picture. We made -- anybody that was walking
7 around, we had them sit down for the safety of all concerned
8 so we could control the situation.
9 MS. ARGENTIERI: I'd like to offer 634-A and C and
10 publish them.
11 MS. MACEDONIO: No objection.
12 THE COURT: Admitted.
13 (Government Exhibits 634-A and 634-C so marked.)
14 Q Now, starting at the left of this photograph, who is the
15 individual in this black-and-white sweater on the left?
16 A The one whose forehead -- oh, back sitting under the
17 picture fame?
18 Q Yes.
19 A That's Joseph Bonanno.
20 Q Who's this?
21 A That's Joe Cammarano, Jr.?
22 Q Stanzo, Jr.?
23 A Correct?
24 Q Who is this individual?
25 A I believe that's Joe DeSimone.

Q To the right of Joe Cammarano, Jr.?
A The balding gentleman in the white shirt?
Q Sorry, I overly zoomed. I was trying to create a record that you said person to the right of Sanzo, Jr. Is who?
A I believe that's Joe DeSimone.
Q Further to the right?
A John Boobie Cerasani.
Q And to the right of John Boobie Cerasani in this sort of tan zippy?
A I don't recall. I think that's John Lecato, but I'm not sure.
Q Showing you the second page of Government Exhibit 634 -- let me zoom out -- is this just another view of the individuals seated at the table?
A Yeah, from another angle, correct.
Q You can see there's sort of food and drink on the table?
A Correct.
Q And who is this individual in the white hat?
A Anthony Urso.
Q And, so, if you're looking at this photo, the individuals on the right, for example, this person in this light jacket, who is that?
A That's Joseph Bonanno.
Q And who is that person?
A That's Joseph Cammarano, Jr.

Q And to the right of Joseph Cammarano, Jr.?
A I don't recall.
Q At the head of the table in white with his hands a little in front of his face?
A Salvatore Vitale.
Q To the right of Sal Vitale in the leather jacket, who's that?
A That's James Tartaglione.
Q The individual in the glasses between Joe Bonanno and James Tartaglione?
A Joseph Marsala.
Q What about this individual in the brown leather jacket across from Joseph Bonanno?
A That looks like Joseph Cammarano, Sr., but it's a bad angle there.
Q Can you identify any of the people in the back of the photo?
A Yes. Looking at us with the glasses, I believe -- I think his name was Conos Bobbino. I think it was his restaurant that supplied the food.
Q The reference to Conos earlier?
A Yes.
I believe the gentleman that's leaning forward with the dark hair next to Cono, I think that's Taglianetti, if I recall, I think they called him Curly. Lou Restivo is in the

1 background also.
2 Q Which individual was Louie Restivo?
3 A Seated all the way in the back, surrounded by FBI agents.
4 Q This individual here or --
5 A No, that one, the one -- right, right there.
6 Q For the record, the person whose head is barely peaking
7 out in the upper left-hand corner of the photo where you can
8 only see part of his head.
9 A Right, that's Louie Restivo.
10 Q Now, showing you Government Exhibit 634-C, can you just
11 point out the individuals who are in this photo?
12 A Yes. On the left in the gray suit is Francesco Knapp,
13 but they call him Cheech.
14 Q This individual to the left?
15 A Correct. Again, the man with the back to us with the
16 gray hair, I can't recall his name. But across the table from
17 him, next to the man who's standing, is Joe Bonanno. The man
18 who's standing with the jacket and the white shirt is Joe
19 Marsala.
20 Q Now, later that year, did you conduct a surveillance at
21 Joseph Massino's house involving Joe Marsala?
22 A Yes.
23 Q Directing your attention to 3500-JS-5, what was your
24 assignment that day?
25 A To surveil Joseph -- actually, to surveil Joseph

1 Massino's house. He had recently gotten out of prison and we
2 wanted to get an idea of what he was up to, basically.
3 Q And this was December 22, 1992?
4 A That's correct.
5 Q And, so, did you -- looking at Page 2 of the document,
6 Page 1 of your log, did you document that surveillance using
7 photographs?
8 A No, photos were not taken.
9 Q Directing your attention to 2:30 p.m., is that the time
10 you initiated the surveillance?
11 A That's correct.
12 Q And in what neighborhood was Joseph Massino's home?
13 A Howard Beach in Queens.
14 Q Directing your attention to 2:59 p.m. what happened then?
15 A A white Toyota bearing New York registration Sierra 6
16 Sierra 723 arrived at the residence and Joseph Marsala exited
17 the car.
18 Q Then directing your attention to 3:05 p.m., what
19 happened.
20 A Marsala and Joseph Massino were observed conversing in
21 front of the residence.
22 Q And then at 3:15 p.m.?
23 A Marsala entered the car in which he arrived and departed.
24 Q Directing your attention to Page 5 of this report, did
25 you run the plate of the car that Joe Marsala got out of,

1 Sierra 6 Sierra 723?
2 A I have a page designated 4; is that what you're referring
3 to?
4 Q Yes, yes.
5 A Yes, it was registered to a Joann Marsala at 35 --
6 Q You don't have to give the address.
7 A Okay.
8 Q But the car was registered to who?
9 A Joann Marsala.
10 MS. ARGENTIERI: Judge, I believe I have no further
11 questions.
12 THE CLERK: Will cross be lengthy?
13 MS. MACEDONIO: Just one moment, Judge, please.
14 THE COURT: Okay.
15 (Pause in proceedings.)
16 CROSS-EXAMINATION
17 BY MS. FERRONE:
18 Q Good afternoon, Mr. Stubing.
19 A Good afternoon.
20 Q The surveillance that you testified about occurred in
21 1990, 1991, and 1992?
22 A The ones that I just testified, yes, that's correct.
23 Q And putting aside the most recent testimony about
24 Mr. Massino's house, prior to that you testified about two
25 specific locations that you surveilled; is that correct?

1 A That's correct.
2 Q And you also testified about observing a telephone on the
3 street in an effort to get a Title III warrant; correct?
4 A That's correct.
5 Q Did you get a Title III warrant for either of the
6 establishments, the locations that you testified about?
7 A For the club on Grand Avenue, yes, we did.
8 Q And you put a listening device inside?
9 A Yes, we did.
10 Q And on February 27, 1992, when the search warrant was
11 executed, you said that was a Thursday?
12 A That's correct.
13 Q And that was a day that most people gathered more so than
14 other days?
15 A That's correct.
16 Q Was Mr. Asaro there that day when you executed the search
17 warrant?
18 A He was not present when we executed the warrant, no. I
19 would have to review --
20 Q No, he wasn't there?
21 A No.
22 MS. FERRONE: Thank you. Nothing further, Judge.
23 THE COURT: Thank you. You are excused.
24 And ladies and gentlemen, thank you for your
25 patience. Have a lovely evening. We'll see you back tomorrow

morning and resume.

(Jury exits.)

THE COURT: Could I see counsel at sidebar for a moment?

(Continued on next page.)

1 (The following occurred at sidebar.)
2 THE COURT: Given the time and effort it takes to
3 fill in, I assume that will never happen again; is that
4 right?
5 MS. ARGENTIERI: That is correct, Judge.
6 THE COURT: Because I think you really have to have
7 extra people here. I never had that happen before, and I've
8 always --
9 MS. ARGENTIERI: Judge, it's my fault. We talked
10 about it on Friday that we would just have one witness --
11 THE COURT: It's okay. I'm assuming you're making a
12 correct estimate. I guess what I'm requesting now is that you
13 have at least three or four extra people every day because
14 otherwise we're keeping 18 jurors sitting.
15 MS. ARGENTIERI: I apologize, Judge.
16 THE COURT: I know, I know that.
17 MS. ARGENTIERI: Okay.
18 THE COURT: The other thing I was really hoping was
19 that we could work out some more stipulations. I didn't
20 entirely understand why the priest's documents could not have
21 been the subject of a stipulation. Would you please sit down
22 now and try to work out as many stipulations as you can?
23 Because this is just dragging the trial out, it really is.
24 MS. ARGENTIERI: Judge, we have tried and we will --
25 THE COURT: I know there are some -- I understand

1 that there were certain ones that were disagreed, but there
2 may be others you never even asked about.
3 MS. ARGENTIERI: Okay.
4 THE COURT: And I ask that you stipulate to as many
5 as you can. Because it doesn't really help, you're just using
6 the corroboration and you'll use it in summation.
7 MS. ARGENTIERI: Understood.
8 THE COURT: Even when it goes in, you can read it.
9 MS. ARGENTIERI: One more thing, Judge, and I hate
10 to bring this up, I know it's been a long day, but Larry Katz
11 does want to come to court. Now that Gary Valenti is done
12 testifying, can he come tomorrow?
13 THE COURT: Is there any reason why there's a
14 problem?
15 MS. MACEDONIO: I don't think anyone has testimony
16 with regard to that.
17 MS. ARGENTIERI: At some point there will be
18 testimony about the murder, and I think that --
19 MS. MACEDONIO: Tomorrow we're having surveillance
20 people?
21 MS. ARGENTIERI: No. Tomorrow there's going to be
22 people --
23 MS. MACEDONIO: The ME?
24 MS. ARGENTIERI: I left my list at the table. I
25 don't think tomorrow there is a witness about Paul Katz. But

1 this man lives somewhat far away and he really does want to
2 come and make arrangements. I don't know if the defense
3 should just respond to what we wrote in writing and we'll tell
4 will him not to come tomorrow but maybe he can come Wednesday.
5 THE COURT: Do you know off the top of your head?
6 If it's going to be easier to think about it, that's all
7 right. But it would help for me to understand precisely what
8 it is he might hear that could affect his testimony.
9 MS. MACEDONIO: May I just have a moment, Judge.
10 THE COURT: Yes.
11 (Pause in proceedings.)
12 MS. MACEDONIO: Is it his position that he wants to
13 come to hear specifically about the homicide?
14 MS. ARGENTIERI: The man missed all of the testimony
15 about his father's death. He's been waiting 44 years for this
16 case to be tried. He wants to be sitting there and be a part
17 of the process.
18 THE COURT: I don't have a problem with it as long
19 as I am not persuaded that he will be influenced in his
20 testimony by specific testimony he's hearing. So you're going
21 to have to identify that for me.
22 MS. MACEDONIO: Okay. At the moment, I can't do
23 that.
24 THE COURT: That's okay.
25 MS. MACEDONIO: We'll talk about who's coming.

1 THE COURT: Will you talk and get me a letter so I
2 know and be able to deal with it? And will you talk about
3 stipulations tonight?
4 MS. MACEDONIO: Yes.
5 THE COURT: And who's coming tomorrow?
6 MS. ARGENTIERI: Can I get my calendar?
7 THE COURT: Yes.
8 MS. ARGENTIERI: I'll be right back.
9 (Pause in proceedings.)
10 MS. ARGENTIERI: Judge, we just learned that one of
11 our witnesses can't come for tomorrow. Right now, these are
12 the witnesses we have for tomorrow. We'll add more tonight.
13 THE COURT: Lots of extra.
14 MS. ARGENTIERI: I promise. I've never been more
15 panicked.
16 THE COURT: I'm not asking you to apologize and I
17 don't mean to panic you.
18 MS. ARGENTIERI: That's okay. Tomorrow we have
19 Ralph Fredman, Joseph Rossi, John Tagliafera -- I gave you his
20 3500 yesterday --
21 MS. FERRONE: Yesterday?
22 MS. ARGENTIERI: Yes, yesterday.
23 Richard Mica, Robert Joyce, Ralph Iannuzzi, and
24 Armando Rivera. That's not enough. We're going to add some
25 more tonight because one of the witnesses we expected to come

1 and be lengthy could not come.
2 THE COURT: Do you have any sense of who you may be
3 adding?
4 MS. ARGENTIERI: No.
5 THE COURT: Is there a 3500 problem?
6 MS. ARGENTIERI: They have them.
7 MS. MACEDONIO: We have a 3500 for everybody?
8 MS. ARGENTIERI: Yes.
9 MS. MACEDONIO: I don't know who you're calling so I
10 can't say I have the 3500 material.
11 THE COURT: She will let you know as soon as she
12 gets it organized.
13 MS. ARGENTIERI: Yes.
14 THE COURT: I hope you all have a lovely evening. I
15 didn't mean to terrify you.
16 (Sidebar ends.)
17 (Matter adjourned to October 27, 2015 at 9:30 a.m.)
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